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**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF UTAH**

**LAURA A. GADDY, LYLE D. SMALL
and LEANNE R. HARRIS, individually
and on behalf of all others similarly situated,**

Plaintiffs,

v.

**CORPORATION of THE PRESIDENT
OF THE CHURCH OF JESUS CHRIST
OF LATTER-DAY SAINTS, a Utah
corporation sole, and DOES 1-50**

Defendant.

**SECOND AMENDED CLASS
ACTION COMPLAINT
(DEMAND FOR JURY TRIAL)**

Case Number: **2:19-cv-00554-RJS-DBP**

Chief Judge: Robert J. Shelby

Chief Magistrate Judge: Dustin B. Pead

I NATURE OF THE CASE

1. Plaintiffs LAURA GADDY (“GADDY”), LYLE SMALL (“SMALL”) and LEANNE HARRIS (“HARRIS”), bring this case on behalf of hundreds of thousands of Mormons who have resigned from the Mormon *aka* “LDS” Church, against [the] Corporation of the President of the Church of Jesus Christ of Latter-day Saints (“COP”). The Church of Jesus Christ of Latter-day Saints™ (“COJCOLDs”), is a COP-owned a trademark.¹

¹ According to some, the *Book of Mormon* was so named because its founder Joseph Smith, Jr., (“Smith”) created it as one of his schemes in a life-long series of confidence games. He had

2. The case does not require the adjudication of the truth or falsity of religious beliefs.

Neither does it challenge normative statements by Defendant and/or its agents.

3. The case concerns COP's half-century long scheme whereby it concealed seer stones, artifacts, original manuscripts, documents, and other information that a reasonable person would consider material to Mormon origins, and to the character of Mormonism's founder, Joseph Smith, from at least 1961 onward, during the lives of Plaintiffs and all potential class members, while requiring 10% of their income, ostensibly used for religious purposes, but also used to expand the commercial holdings of the Mormon Corporate Empire ("MCE").

4. The COP through its agents, the Brethren, conceived and carried out this scheme while preaching to its followers principles of honesty, including full disclosure, and individual free agency, as important religious principles that all LDS should live by and that are unique to the purportedly divine authority of the COJCOLDs.² Furthermore, despite perjured testimony offered by LDS leaders with regard to secretly entering into and performing polygamous marriages that occurred post 1890 Manifesto during Senate confirmation hearings in the early

hoped the *Book of Mormon* would bring him "MORE-MONey," though prior Mormon leaders claimed the word means "more good." Despite the 2011-2013 "I'm a Mormon" advertisement campaign, in 2019 LDS President Russell M. Nelson announced it was no longer acceptable to refer to the Church as "Mormon," its members as Mormons or LDS; the preferred term is now the Church of Jesus Christ of Latter-day Saints. Since then, COP has changed its official domain and other identifiers to comply with Nelson's mandate. For brevity, this complaint will ordinarily use LDS, or COJCOLDs but will use Mormon and/or Mormonism at times, especially when referencing 19th Century Mormon historical events. It has been reported that since this lawsuit was filed in August 2019, the Corporation of the Presiding Bishopric (CPB) an asset owning subsidiary of the COP, changed its name to the Church of Jesus Christ of Latter-day Saints and subsequently the COP merged with the COJCOLDs.

² The Brethren are the president/prophet and his two counselors (combined, they are the First Presidency) and the Quorum of the Twelve Apostles (Q12) are the fifteen men who have final decision making power over all official doctrine, including the history of the Church, which is published and promulgated to the members and potential members of the COJCOLDs. Official doctrine is known as correlated material.

20th Century, since the mid-20th Century Defendant has publicly disavowed a sincerely held religious exercise of “Lying for the Lord.”

5. Furthermore, after instituting a program of correlation whereby all written, spoken, and artistic expressions in paintings, photos and film had to be approved by top LDS leaders, Defendant’s commissioned and widely promulgated artwork was used as propaganda to induce commitment to the LDS Church.

6. It also knowingly and willfully-concealed the existence of seer stones used by Smith to attempt to seek buried treasure, and from which he dictated the Book of Mormon manuscript, original manuscripts demonstrating Smith’s ignorance of Egyptian hieratics, primary source journals and affidavits of women documenting Smith’s 19th Century adultery, that was characterized as polygamy years later, a printing plate that exposes the abject fraud of the Book of Abraham facsimile No. 3, and other documents, affidavits and statements, artifacts, and other important information (hereinafter “material objects and information”) in open behavioral contradiction to the Church’s doctrinal beliefs on the subjects of honesty, full disclosure, and free agency, thus demonstrating the Church did not have a sincere religious belief in censorship.³

7. Propaganda used to baptize adult members through proselytizing or to induce children of parent members who were baptized at age eight, based on an historical narrative that ignored unfavorable material objects and information that Defendant had concealed, continued to be taught in order to elicit tithing donations to expand its commercial empire, without disclosing that a substantial portion of the tithing, upon information and belief as much as 15-20%, was

³ In the June 2009 issue of Defendant’s *Ensign* magazine, it was explained that the word “moral” has recently been substituted for “free” used in conjunction with the word “agency,” in correlated materials. While free agency means free to choose and act, moral agency stresses accountability for one’s actions.

used for commercial purposes. It repeatedly listed only ecclesiastical uses as those that the tithing was used for. In doing so, it led members to assume that COJCOLD'S' commercial ventures were financed with profit from the Church's taxable business enterprises and that such profits were maintained separately from tithing receipts.

8. We now know, based on admissions in another U.S. federal court case against COP, that Defendant corporation has in fact used at least interest (if not principal) on tithing donations to fund commercial ventures since the early days of Mormonism. Upon information and belief, tithing was used not merely to invest, but to purchase, develop and manage ongoing businesses in many states and foreign countries: including over one million acres in the continental U.S. and Hawaii upon which it runs farms, ranches, orchards, and hunting preserves. It also owns farmland in Australia, the U.K., Brazil, Canada, Argentina, and Mexico. A 290,000-acre Deseret Ranch in Florida keeps 44,000 cows and 1,300 bulls. COP's entire cattle operation includes calf-cow ranches in the U.S. and Canada, as well as stocker operations in Oklahoma and Texas and a feedlot in southwest Kansas. Its main operation is the Deseret Ranch of Florida east of Orlando. It also includes 1,700 acres of citrus trees, as well as timber, sod, and a fossilized-seashell business. COP's Hawaii Reserves, runs a water management company, sewage treatment works, and two cemeteries. Besides owning many residential and commercial properties in Utah cities, the Church owns multifamily residential units in most major cities in the United States. The combined value of its real estate and security investment holdings are estimated to be over \$417 Billion, more than double the value of any company on the 2020 Forbes Global 2000 list of wealthiest publicly traded companies.

TABLE OF SOME OF DEFENDANT'S REAL ESTATE DEALS SINCE 2014

DATE	LOCATION	DETAILS	PRICE/PROFIT	COMMENTS
Announced in September 2020, ongoing development.	Church College of New Zealand (CCNZ) was a private secondary school in Temple View, Hamilton, New Zealand	The Church has torn down the prior church college. Now, in conjunction with NZ residential construction developer Cambridge Homes it is building residential spec homes for sale. According to one NZ resident, the [initial] “planned new subdivision didn’t come to fruition.”	According to an individual who filed a complaint with the New Zealand Human Rights Tribunal to be heard on July 2022, “[The church is] converting tax free tithing funds from the USA into international income producing assets. Empty chapels and schools are demolished and the land is sold for millions in profits. [There is] zero basis in the land because it was paid for with tithing funds in 1950's and appreciated in value for 70 years.”	Defendant is repurposing this land for exclusively commercial use that was previously used for religious purposes. A church school was demolished and now the land is being sold for new spec homes.
2021	Maui, Hawaii	COP'S Property Reserve bought a Marriott Residence Inn located on the island of Maui. Neither of the 2 LDS Hawaiian temples are located on Maui.	Nearly \$100 million, according to <i>Pacific Business News</i> .	Hawaii Reserves, a COP property manager, also owns the Laie Courtyard by Marriott near the Polynesian Cultural Center

DATE	LOCATION	DETAILS	PRICE/PROFIT	COMMENTS
2021	Eastern WA state farmland. Easterday ranch properties (farmland) in eastern Washington State.	The <i>Salt Lake Tribune</i> reports that LDS-owned “Farmland Reserve’s AgriNorthwest outbid a Bill Gates company “12,000 productive acres (potatoes, onions, and cattle herding)” including water rights to the church’s vast landholdings.	\$209 million	The <i>Tribune</i> noted that Defendant’s vast holdings “include more than 600,000 acres in Florida, or about 2% of [its] overall landmass.”
June, 2020, announced in the <i>Kansas City Business Journal</i> .	Lee's Summit, Missouri	Lee's Summit and The Church of Jesus Christ of Latter-day Saints are in talks over what to do with 6.55 square miles the church owns within city limits. The acreage is distributed across a 1,100-acre northern property and another 3,100-acre tract to the south. The COJCOLDS owns these two properties — a 1,100-acre northern tract and a 3,100-acre southern one, total 6.55 square miles — in Lee's Summit, Missouri. Defendant has partnered with the city to develop the parcels.	Upon information and belief, there is impending commercial development of this land, likely purchased decades ago with tithing. Like the New Zealand land, the anticipated profit to be realized, due to a zero basis in the initial land purchase, will be immense.	The town of Lee's Summit is about a half hour drive from the Kansas City LDS Temple.

DATE	LOCATION	DETAILS	PRICE/PROFIT	COMMENTS
May, 2019	Richardson, Texas, a town near Dallas	Raytheon Corp.'s new office campus, CityLine Project, sold to the Defendant's Property Reserve, Inc. The three-building, 500,000-square-foot office complex on Bush Turnpike east of Plano Road cost almost \$100 million to develop in 2016. The four-story office campus houses almost 1,700 Raytheon Employees.	\$1.5 billion	Richardson is 5-7 miles from Dallas Temple. Raytheon is the Massachusetts based high-tech defense contractor. The paper reporting the sale noted that in In the Dallas area, the Property Reserve Inc. has apartments in Las Colinas & Plano & industrial bldgs. in Carrollton.
May 2019	Irving, Texas, a town near Dallas. Las Colinas Community,	Builder JPI sold its new Jefferson Las Colinas, 386 Unit six acre Apartment complex. on Las Colinas Blvd., just north of Northwest Highway. Purchased by Defendant's Property Reserve Inc., county deed records show it was renamed Fountain Pointe Las Colinas.	Undisclosed purchase price. Tax Assessment at \$45 Million.	Irving is 16-17 miles from the LDS Dallas temple.
Dec., 2017	Chandler, Arizona, about ten miles from the Mesa LDS temple, which has recently seen lots of development by COP in the blocks surrounding the Mesa Temple.	Mattamy Homes bought thirty-seven acres belonging to Defendant through Property Reserve Inc. The land is at Pecos Road and Hartford Street in Chandler. The land, called Haven, is undeveloped land is zoned for 283 single-family homes.	\$13.64 million	The LDS Church owns a lot of big real estate and bare land in the Phoenix region with holdings in both the East and West Valley

DATE	LOCATION	DETAILS	PRICE/PROFIT	COMMENTS
2017	Deseret Ranches sister firm buys 4,200 acres in Osceola County, Florida. The purchase is part of the Harmony Master planned Community.	The purchased acreage is about forty miles from the Orlando LDS temple.	\$9.9 million	Defendant already owns 2% of Florida's land mass.
2017	Tract of land in eastern industrial Orlando initially purchased by a third party developer in 2007 for about \$100 million, then assigned to Defendant for joint venture development. Long-term development is for an area of almost 250 sq. miles.	More than half the acreage is planned for development with the original buyer. Plans are to convert COP owned Deseret ranch into a huge new city by 2080 that would house half a million people.	It is unknown what the financial consideration for the assigned property was, but Def. often receives in kind donations.	Development includes 220,000 homes, 100 million square feet of commercial and institutional space and almost 25,000 hotel rooms. The plan calls for more than sixteen communities.
2016	Bay Drive, Lahaina, Hawaii. Island of Maui.	COP's Ensign Peak Investments LLC recently acquired the property which has a 1,600-square-foot building on 5.3 acres.	At the time of the acquisition the property was valued at \$3 million dollars.	There is no LDS temple or other LDS religious building on Maui.
2015	Riverton, Utah	COP's Suburban Land Reserve (SLR) requested city approval of a master mixed use plan on several large land parcels between Bangerter Hiway & Mtn. View Corridor near 13400 South.	COP owned the 540 acre farmland. The development would add 3,500 housing units and an 85-acre shopping center.	The development is about six miles from the Jordan LDS Temple and about four miles from the LDS Taylorsville temple.
2014	Philadelphia, PA. 1600 Vine Street Complex on the northern border of Philadelphia's downtown area.	Plans are for a mixed use development, with a 32-story tower with 258 apartments, thirteen rental townhomes and a 24,000-square-foot mtg. house. It is located about half a mile from the Philadelphia LDS	Church officials will not reveal how much the project will cost, but it is estimated to run roughly \$120 million.	The Mormon population of Greater Philadelphia is estimated at just 25,000 to 28,000; it already has 47 LDS mtg. houses. Like many LDS temples, it's now closed, with access by appt. only.

		Temple, finished in 2016.		
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9. Defendant's annual tithing receipts was until recently estimated to be \$6-8 billion (though that amount is decreasing due to resignations), \$1-2 billion of those receipts were not needed for ecclesiastical expenses. That \$1-2 billion surplus is invested and then used for commercial real estate and business development. By comparison, and by its own admission, COP donated just \$1.3 billion in humanitarian aid over a 25 year period, from 1985 to 2010.

10. COP fraudulently induced outsiders' as well as those who were already members, especially young peoples' (who as minors could not consent), faith-based conclusions about the divinity of the Church by misrepresenting facts about Mormon history, including the origin of its scriptures, and how tithing is used. Decisions to be baptized, remain a member of the organization and importantly for most, to further commit to the Church by serving as a full time mission, and/or qualifying and renewing qualification for temple access and participation, are all conditioned upon paying a full 10% of one's income as tithing. Defendant extorted that tithing not only by promising eternal salvation, and "forever families" but by characterizing payment of a full tithe as "fire insurance" to ensure safety from apocalyptic burning at the Second Coming of Jesus Christ.

11. Defendant's commissioned and correlated artwork depicted scenes from Mormon history that the Brethren do not sincerely believe due to the contents of their archives. Most of the items in their archives have been concealed from the lay members ever since the pioneers trekked to Salt Lake Valley in 1847. The Brethren, communicating as a body through correlated (official "pure" doctrine that they approve) speeches, manuals, publications, and artwork (hereinafter

“correlated rhetoric”) made statements about Mormon history, Smith’s character and how tithing is used, that they don’t sincerely believe.

12. The Brethren did not sincerely believe their commissioned artwork depicting the process used to create the *Book of Mormon* (“BOM”).⁴ Furthermore, despite arguably having a duty to disclose these omitted material items and information due to regular and repeated invitations to trust the Brethren, COP omitted material facts about founder Joseph Smith’s (hereinafter “Smith”) participation in folk magic, life long criminal and civil fraud history, significant issues with Mormonism’s key foundational events, and about the authorship and content of the canonized scriptures, the Book of Mormon and the Book of Abraham.

13. Since at least 1961, the Brethren have approved all rhetoric promulgated by and through COP’s various subsidiaries described below. That rhetoric, often in the form of instruction manuals, was given to leaders who teach at local chapels, LDS teachers at secondary and college levels, and all LDS missionaries. Defendant warned the Church Educational System (“CES”) teachers not to deviate from the COP mandated correlated rhetoric under threat of termination from their positions. This material included not only doctrine, but widely distorted historical facts (many of which have been recently admitted by Defendant in a series of essays from late November 2013 through at least 2019 and continuing. These essays were intentionally concealed on Defendant’s official website and unannounced to its lay members (and only belatedly to its local leaders) about Mormonism’s history, the character and activities of its founder, Joseph Smith.⁵

⁴ The *Book of Mormon* is the Church’s primary scripture and considered the keystone of the COJCOLDs.

⁵ Doctrine: a belief or set of beliefs, especially political or religious ones, which are taught and accepted by a particular group: <https://dictionary.cambridge.org/us/dictionary/english/doctrine>

14. Prior to the mid-1990s and high-speed internet access, most LDS members were progeny of Mormon pioneers living in Utah and were geographically and culturally isolated. Occasionally some members of the Church would come across damaging information that contradicted traditional correlated Mormon history. When questioned about that information, their leaders, told them that the information was “Anti-Mormon lies.” In the early 2000s, and expanding into the 21st Century, high speed access led to the spread of websites containing a version of Mormon history that contradicted COP’s correlated narrative in important ways. When queried, Defendant instructed members to avoid the internet for answers to questions about Church History.

15. Members had also been taught that LDS leaders and teachers served voluntarily and without remuneration. However in 2017 a leaked 1099 issued to Apostle Henry Eyring showed that he received an annual low six figure payment for his services.

16. Disaffection from the LDS Church is overwhelmingly based upon previously faithful members’ discovery of this deceptive scheme perpetrated by Defendant COP.

17. Damages suffered by Plaintiffs* are similar to those documented in the *LDS Personal Faith Crisis [Report]* (“LDSPFCR”), a noncommissioned survey of more than 3,000 disaffected LDS members by LDS scholars.⁶ Aside from the loss of a fraudulently induced significant financial contributions, they include the following: existential crises, suicidal ideation, destruction of familial relationships, insomnia, anxiety, and depression.⁷ (See [Exhibit No. One](#), [LDSPFCR](#) filed herewith.)

⁶ *The term “Plaintiffs” is used hereinafter as a short-hand designation meant to include both named Plaintiffs, GADDY, SMALL and HARRIS and those persons similarly situated, i.e., members of the potential or putative Class.

⁷ Exhibit No. 1 filed herewith, is a copy of the *LDSPFCR*, now readily available on the internet.

18. Yet it was not until after the report was provided to LDS corporate leaders that COP began to publish unannounced, incremental, and intentionally hard-to-locate essays with admissions that acknowledge some of COP's half-century long misrepresentations.

19. Terry Givens, professor and LDS writer noted, circa 2012, prior to COP's admissions: "*Not since Kirtland* (where a mass Mormon exodus occurred after the 1837 Kirtland Bank failure, where subsequently Smith was convicted of running an illegal bank), *have we seen such an exodus of the Church's best and brightest leaders*"⁸ He was referring to the thousands of LDS members who had become inactive or resigned due to their discovery of Mormon/LDS history that contradicted in key aspects what they had been taught in the Church.

20. The survey conducted found that 70% of respondents agreed that "I studied church history and lost my belief," as a major factor in their disbelief. Specific issues included: Smith's polygamy and polyandry, *Book of Abraham* translation, Smith's use of a peep/seer stone, prior treasure digging and participation in folk magic and conflicting versions of the First Vision. The Report concludes that: "The gap between the history currently taught and factual history is—in certain instances—highly differentiated." The last few pages of the *LDSPFCR* advise LDS leaders to: "Inoculate current membership and future generations by closing the gap between our historical narrative and factual history.

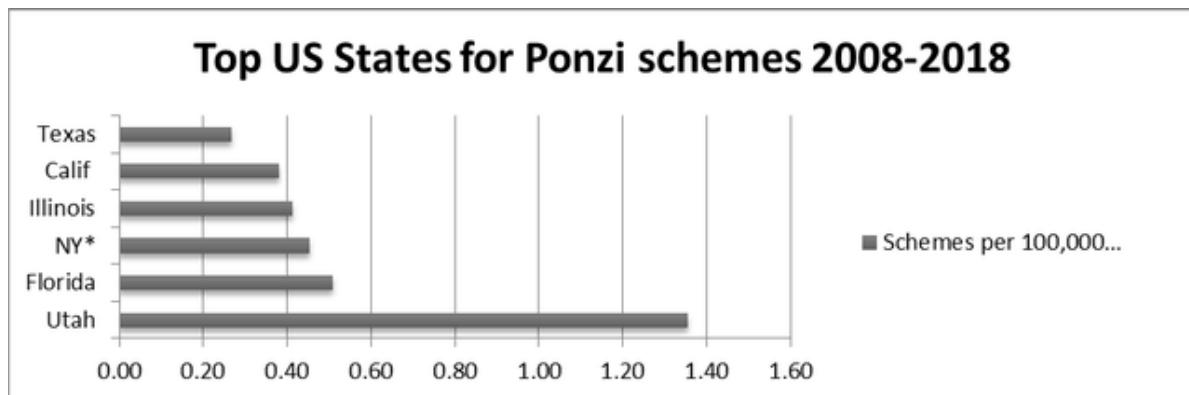
21. Additionally, it was not until after nationwide press about the IRS Whistleblower complaint and COP's Ensign Peak Advisor's (EPA) \$128 Billion dollar fund was publicized in December 2019 that COP began to change its narrative with respect to how it uses tithing donations. Members had been led to believe that tithing was used only for religious purposes,

⁸ *LDSPFCR* p. 30.

and that church owned businesses were funded from LDS owned business profits or non-tithing donations from wealthy members and that their tithing was not used to expand the Mormon Corporate Empire.

22. For the years 2008-2018, Utah was the nationwide leader in affinity fraud. According to experts it leads by more than two-thirds ahead of the next state, which was Florida. The majority of Utah's population is Mormon. Attorney Mark Pugsley has worked in affinity fraud for decades and identifies that the problem causing this alarming data is that faithful LDS trust their leaders.

23. Some LDS members concoct Ponzi schemes, duping faithful Mormons out of their life savings. They use the same methods used by COP leader-agents in relation to LDS faithful—they gain investors' trust by omitting facts material to the investment, while inviting investors to trust them, building a relationship with them and all the while intending to deceive them.⁹



⁹ <https://rqn.com/blog/utahsecuritiesfraud/finally-its-confirmed-utah-has-more-ponzi-schemes-per-capita-than-any-state-in-the-country-by-far/#.XgKY1kdKi71> Note: as of August 16, 2021, the above link cannot be found on the RQN website. Instead a 404 Error message displays when linked.

24. Plaintiffs claim easily calculable special damages for payments of cash and the value of services rendered to Defendant by former members of the LDS Church. Plaintiffs also claim general damages for COP's non-RICO fraud and reckless infliction of emotional distress.

II. SPECIFIC ALLEGATIONS OF RELEVANT MORMON/LDS HISTORICAL FACTS

25. The LDS Church claims it is the restored gospel of Jesus Christ which had become corrupt after Christ's death. Defendant claims that attempts by Reformation Era leaders such as Luther and Calvin to reform Christ's church were inadequate to restore the gospel. Instead, Joseph Smith Jr. ("Smith"), a fourteen-year-old boy from upstate New York, was allegedly chosen to restore the one true gospel of Jesus Christ on Earth.

26. COP teaches that Smith's First Vision, the incipient event in Mormon history, in occurred in 1820 when he was fourteen. It teaches that in that vision Smith claimed to have seen two personages: God the Father and Jesus Christ his Son, who told him that all other religious "creeds" were false, and he should join none of them. The First Vision is admittedly the key event upon which the COJCOLDs was founded.

27. In 1823 Smith claims to have been visited by Angel Moroni (though initially the angel was named Nephi), who explained that gold plates buried in a nearby Hill Cumorah contained a record of ancient Hebrew prophets who had immigrated to America about 600 BCE.¹⁰ Two main tribes emerged from the Hebrew posterity: the Lamanites, and the Nephites. The Nephites were "white and delightsome," lighter skinned, reflecting their superior righteousness. In contrast, the Lamanites (who are today's Native American ancestors) are described as "dark and

¹⁰ For convenience, the plates are referenced as "gold." Mormon history refers to both gold plates and plates that had the "appearance of gold."

loathsome,” a reflection of their wickedness. The last Nephite leader, Mormon, is purported to have abridged and compiled the history of his people on the gold plates, along with teachings about the gospel. The language written on the plates was described by Smith as “Reformed Egyptian.”

28. After his resurrection, the Book of Mormon claims that Jesus Christ appeared among the Nephites and taught them.

29. Though Smith allegedly found the plates in September 1823, it was not until September 1827 after several visits from Angel Moroni, that he was allowed to retrieve them. The Book of Mormon is marketed as “another testament of Jesus Christ,” a companion to the Bible.

30. In October, 1825 Smith and his father join a treasure hunting expedition 135 miles from their home in Harmony, Pennsylvania. They find no treasure, but Smith meets Emma Hale whom he later marries.

31. In 1826, after the angel told him of the plates, but before he obtained them from the Hill Cumorah near his home, Smith was charged in Bainbridge, New York with disorderly conduct and being an imposter (a 19th Century statute which included what today would be fraudulent activities), based upon an unsuccessful attempt to locate buried silver with a brown peep stone. According to the docket entry prepared by Presiding Judge Neely, Smith was found guilty. ([See Exhibit No. 2](#) to this complaint, a COP created typed version of the original handwritten transcript, released in their Joseph Smith Papers (“JSP”) in 2018.) The stone used to search for buried treasure is now acknowledged by Defendant as the same stone Smith used to create the Book of Mormon.

32. In 1827 Smith married Emma Hale. The couple elope due to her father's objection to the relationship. Isaac Hale describes Smith's occupation as "seeing" by means of a "stone placed in his hat," whereby Smith "pretended to discover minerals and treasure." Hale called the Book of Mormon a "silly fabrication."

33. Oliver Cowdery a school teacher and distant relative of Smith appeared on April 5, 1829 to assist with the Book of Mormon creation. In early 1830 Smith received a revelation through his brown seer stone that he should travel to Canada to sell the copyright. In February 1830 Smith sent Cowdery and another colleague to Canada to sell the manuscript for \$8,000 but their attempt was unsuccessful. Upon their return and query to Smith as to why his earlier revelation failed, Smith received another revelation indicating that "[s]ome revelations are of God: some revelations are of men; and some revelations are of the devil." Thereafter it is claimed that he completed the creation of the Book of Mormon in three months by looking at the brown seer stone he had admittedly used to search for silver, placed in his hat. The gold plates were not in sight while he dictated. The Book of Mormon was published in March 1830; the "Church of Christ" was created on April 6, 1830, changed in 1834 to "The Church of the Latter Day Saints," and in 1838, to the Church of Jesus Christ of Latter-day Saints (COJCOLDS.)

34. In 1835 the Doctrine and Covenants ("D&C") is published which contains the Fifth Lecture on Faith describing God the Father as a spirit, in contradiction to the 1820 vision where Defendant claims Smith said he saw two personages, the Father and Son, who told him all creeds were false. Smith is listed as editor of the book. Of Smith's 138 of revelations in the D&C, 122 or 86% deal with financial as opposed to spiritual matters.

35. Smith was killed while jailed for treason in Carthage Illinois on June 27, 1844. During his life, he committed crimes and civil frauds that necessitated a continual relocation generally westward, to escape the laws of the various states and even the federal government, eventually leading the Mormons under Smith's successor Brigham Young to settle in Mexican territory in 1847.

36. The following TABLE of CRIMES and CIVIL FRAUDS lists Smith's relevant encounters with the law, convictions, and escapes (or evidence of the same) in bold. This list is not complete; he was charged with at least forty-two crimes, sued civilly dozens more, concededly involved in over two hundred legal cases as either defendant, Plaintiff, or judge of the Nauvoo, IL theocratic municipality.

YEAR	PLACE	FACTS	Crime/Civil Fraud	OUTCOME
1826	Bainbridge, New York	Smith attempted to find buried silver for J. Stowell with the use of his brown seer stone.	Disorderly Conduct, Vagrant, and Imposter COP now acknowledges the statute is essentially a fraud charge	Judge Neely Docket Entry reads: "And therefore the Court find [sic] the defendant guilty." (Ex. NO. 2 to this complaint.) Before sentencing Smith took leg bail, i.e. he escaped.
1830	Broome County, Colesville, New York	Smith continued to use his stone to search for treasure after the 1826 charge, even when he purportedly retrieved the gold plates in 1827.	Disorderly conduct (what today would be fraud) and Imposter. The trial lasted 23 hours forty-three witnesses.	Acquitted due to a 2 year statute of limitations defense. But the evidence taken was sufficient that Presiding Judge, Joel King Noble concluded that Smith was a "Vagrant idler," a "Liar," a "Deceiver," and anything but a good man."
1832	Kirtland, Ohio	Smith makes a pass a Nancy Marinda Johnson, a 15-year-old girl at the home where he is a guest.	Her brothers and other men tar, feather and consider castrating Smith.	Assault against Smith, due to inappropriate sexual advances with a minor. No known charges brought by Smith.

YEAR	PLACE	FACTS	Crime/Civil Fraud	OUTCOME
1833-1843	From Kirtland, Ohio to Nauvoo, Illinois.	Smith has intimate relations with over two dozen women, some of whom are married, and some of whom live with Smith in his home as orphans or servants.	Serial Adultery. Smith's revelation on polygamy is dictated 07/12/1843 but publicized a decade later. Adultery is a crime in all states where he resided.	Most all are never charged, though in 1844 Smith's former counselor, William Law brings adultery charges that are not litigated due to Smith's Carthage incarceration for treason based on his order to destroy the <i>Nauvoo Expositor</i> printing press.
February 10, 1837	Kirtland, Ohio	Smith creates the Kirtland Safety Society Antibanking Co. after Ohio denies him a banking license. Warren Parrish, secretary for Smith and briefly, Cashier for the bank wrote in 1838: " <i>I have been astonished to hear him declare that we had \$60,000 in specie in our vaults and \$600,000 at our command, when we had not to exceed \$6,000 and could not command any more.</i> " ¹¹ Smith duped investors by showing boxes in a vault each marked with \$1,000 that were actually filled with "...sand, lead, old iron, stone and combustibles." But each had a top layer of fifty cent coins. ¹²	Violation of Ohio banking license statute. Smith is sued civilly by dozens of investors, former Mormons, and others, who participated in negotiating Kirtland notes.	A Quit Tam action is brought against Smith and his conspirators by Samuel Rounds, individually and on behalf of the State of Ohio. They are convicted. Smith's part of the fine is \$1,000 plus court costs. Smith dies without satisfying the judgment, which is ultimately satisfied against his estate. Dozens of individual civil claims were not satisfied. Smith had escaped Kirtland on horseback along with Sidney Rigdon after a warrant was issued (See below) for his arrest. He had no assets from which to satisfy the judgment (Smith filed for bankruptcy, but his petition was denied.)

¹¹ (Letter to Zion's Watchman, published March 24, 1838. Cyrus Smalling also wrote that Joseph had collected only \$6,000 in specie. See E. G. Lee, *The Mormons, or Knavery Exposed*, p. 14)

¹² According to several contemporaneous accounts by former members of the church.

YEAR	PLACE	FACTS	Crime/Civil Fraud	OUTCOME
January 12, 1838	Ohio	See above description.	Warrant issued for Smith's arrest on charge of banking fraud.	That night Smith and Rigdon fled the court's jurisdiction, escaping from Ohio into Missouri.
Nov. 12, 1838-39	Daviess Co., MO. Surrender & Court Martial after LDS defeated in Mormon/ Missouri Wars.	After surrender to MO, Smith, Rigdon, et. al, are charged with treason, murder, arson, burglary, robbery, larceny & perjury. Court binds Smith and several others for trial on the charge of "Overt acts of Treason."	After a hearing on April 11, 1839, a grand jury indicts Smith for treason against the state of Missouri.	After several months in the Liberty, Missouri jail on April 16, 1839, Smith and colleagues escape custody enroute to Boone County, MO. Smith flees across the border to Illinois. Missouri Extradition efforts fail due to Nauvoo laws that do not recognize legal process outside its jurisdiction.
Jan 30 – Feb 1, 1841	Illinois	LDS Church elects Smith trustee and then transfers all its property to him.	<i>Jan. 1, 1841.</i> New individual bankruptcy law that contains a fraudulent transfer exception: no asset transfer to avoid paying debts.	Smith is denied discharge in bankruptcy (see below).
December 1841 – August 16, 1842	Illinois	Joseph transfers property to he and Emma's children for a nominal amount.	Smith fraudulently transfers assets in violation of the Bankruptcy Act.	These fraudulent transfers for less than fair market value are made on the eve of Smith filing his Bankruptcy petition.
April 18, 1842	Carthage, IL	Smith owes more than \$73,000 to creditors.	Application for Bankruptcy Petition filed.	Application for Petition in Bankruptcy denied due to aforesaid fraudulent transfers.
May 6, 1842	Missouri	Attempted assassination of Missouri Governor Lillian Boggs. Two men, one contemporaneously, claim Smith admitted that he had attempted the murder of Boggs. Smith denies those claims.	Smith charged with accessory to murder. Jan. 1943 he is released after a pc hearing. In 1887, former Mormon Wm. Law reports that Smith admitted: "I sent Rockwell to kill Boggs, but he missed him, it was a failure; he wounded him instead of sending him to Hell."	July 20, 1942 Boggs issues sworn statement that he "has good reason to believe that Joseph Smith...was accessory before the fact of the intended murder." Gov. Reynolds requests Smith surrender to the IL governor who issues arrest warrants for Smith & Porter Rockwell. Aug. 8, they are arrested by the Adams Co., IL sheriff, but then escaped. Smith fled to Iowa, hiding in various places for months. The case is eventually dismissed.
Aug. 1, 1843	Ohio	Walter Bagbee, tax collector, called Smith a liar. Smith struck him knocking him to the ground.	Assault (what would like be criminal battery today in most jurisdictions)	Smith pleads guilty & pays a fine.

YEAR	PLACE	FACTS	Crime/Civil Fraud	OUTCOME
1844	Nauvoo and Carthage, Illinois	Smith's former counselor, William Law, publishes article in the <i>Nauvoo Expositor</i> describing Smith's sexual exploitation of women under pretense of God's command, his conceit, and political aspirations.	Smith orders the <i>Nauvoo Expositor</i> Printing press destroyed. Smith, et.al. are originally charged with inciting a riot and then a grand jury indicts him for treason. He and his brother Hyrum are jailed in Carthage, Illinois.	The Smith brothers are killed by a mob while jailed awaiting trial for treason at Carthage, Illinois. Smith shoots two men in his defense. He is shot and jumps from a rear window, dying shortly thereafter. Defendant describes Smith's death as that of a martyr and idolizes the man as second only to Jesus Christ.

37. In 1842, some of Smith's followers purchase Egyptian papyri from a traveling salesman, on the basis of Smith's representation that he could translate them. Smith allegedly translates the papyri into what is now LDS canonized scripture, the *Book of Abraham*. The book teaches about cosmology and the preexistence of souls before Earth life. Claimed to have been written by the Hebrew prophet, Abraham, it contains three facsimiles from the papyri which Smith translated as depicting Abraham and events in his life. The preface states:

THE BOOK OF ABRAHAM

TRANSLATED FROM THE PAPYRUS, BY JOSEPH SMITH

*A Translation of some ancient Records that have fallen into our hands from the catacombs of Egypt. **The writings of Abraham while he was in Egypt, called the Book of Abraham, written by his own hand, upon papyrus.** [Emphasis added].*

38. For more than a century, Egyptologists have decried Smith's alleged translation as fraudulent. (See [Exhibit. No. 3](#), to this Complaint, *New York Times* 1912, filed herewith). Defendant has recently admitted in its Book of Abraham essay that the figures do not depict Prophet Abraham, nor his life events described in the Book.¹³

¹³ <https://www.churchofjesuschrist.org/study/scriptures/pgp/abr/1?lang=eng> (Viewed 08/02/19)

None of the characters on the papyrus fragments mentioned Abraham's name or any of the events recorded in the book of Abraham. Mormon and non-Mormon Egyptologists agree that the characters on the fragments do not match the translation given in the book of Abraham, though there is not unanimity, even among non-Mormons scholars, about the proper interpretations of the vignettes on these fragments. Scholars have identified the papyrus fragments as parts of standard funerary texts that were deposited with mummified bodies. These fragments date to between the third century B.C.E. and the first century C. E. long after Abraham lived.¹⁴

39. Facsimile No. 3 from the Book of Abraham is depicted below with translations compared.



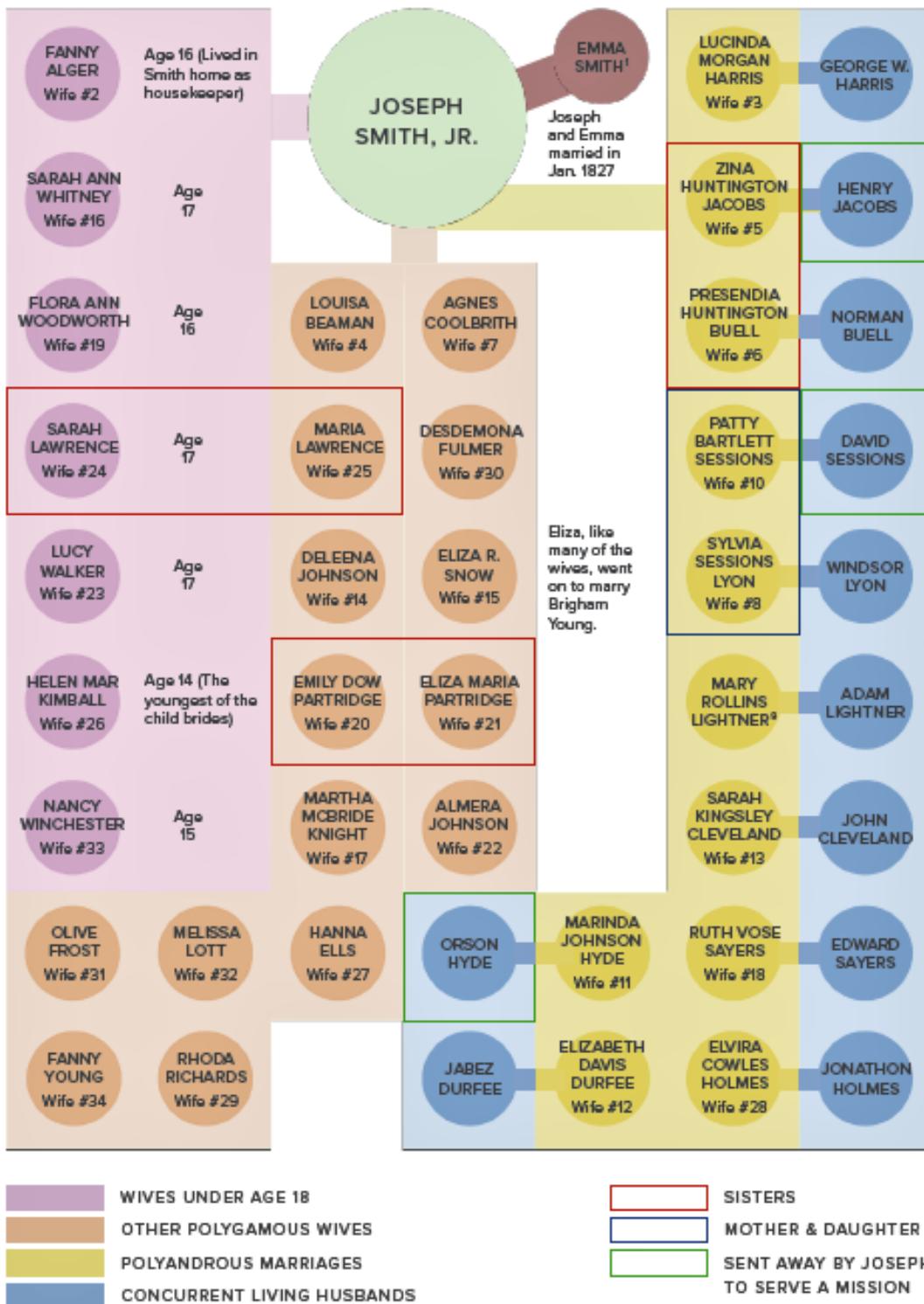
Figure	Joseph Smith's explanation ^[119]	Explanation by Egyptologists
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¹⁴ <https://www.churchofjesuschrist.org/manual/gospel-topics-essays/translation-and-historicity-of-the-book-of-abraham?lang=eng> Unattributed (no author credited) version published and buried on the LDS.org website without notice to LDS members in July 2014. Upon information and belief, many of the essays have been altered since original publication. (Last Viewed 09/10/2019).

General Comment	Abraham is reasoning upon the principles of Astronomy, in the king's court.	"Invocation (text at bottom line below the illustration): O gods of the <u>necropolis</u> , gods of the caverns, gods of the south, north, west, and east grant salvation to the Osiris Hor, the justified, born by Taikhbit." ^[120]
1	Abraham sitting upon Pharaoh's throne, by the politeness of the king, with a crown upon his head, representing the Priesthood, as emblematical of the grand	"Label for <u>Osiris</u> (text to the right of figure 1 of Facsimile No. 3): Recitation by Osiris, Foremost of the Westerners,
	Presidency in Heaven; with the scepter of justice and judgment in his hand.	Lord of <u>Abydos</u> (?), the great god forever and ever(?)." ^[120]
2	King Pharaoh, whose name is given in the characters above his head.	"Label for <u>Isis</u> (text to the right of figure 2 of Facsimile No. 3): Isis the great, the god's mother." ^[120]
3	Signifies Abraham in Egypt as given also in figure 10 of Facsimile No. 1.	"Altar, with the offering of the deceased, surrounded with <u>lotus flowers</u> , signifying the offering of the defunct." ^[79]
4	Prince of Pharaoh, King of Egypt, as written above the hand.	"Label for <u>Maat</u> (text to the left of figure 4 of Facsimile No. 3): Maat, mistress of the gods." ^[120]
5	Shulem, one of the king's principal waiters, as represented by the characters above his hand.	"Label for Hor the deceased (text in front of figure 5 of Facsimile No. 3): The Osiris Hor, justified forever." ^[120]
6	Olimlah, a slave belonging to the prince.	"Label for <u>Anubis</u> (text in front of figure 6 of Facsimile No. 3): Recitation by Anubis, who makes protection(?), foremost of the embalming booth ..." ^[120]

40. July 12, 1843 Smith records revelation on polygamy. D&C 132 is made public a decade later (which remains scripture today). It reads that Emma [must] comply, and “cleave” only unto Joseph, and to “none else.” “But if she will not abide this commandment she shall be “destroyed.” The chart below illustrates the nature and extent of Smith’s polygamist relationships.

JOSEPH SMITH'S POLYGAMY | POLYANDRY



41. August 11, 1843 Smith's journal entry. When William Clayton asks Smith whether he was wrong to counsel Margaret to marry him despite the fact that she was in love with another man, Clayton wrote that Smith "[A]nsWERED no you have a right to get all you can." In October, 2014, COJCOLDs admits to Smith's prolific polygamy in a buried, unannounced, essay, titled "Plural Marriage in Kirtland and Nauvoo."¹⁵ The essay does not include a compilation of easily viewed list of the women that he had relationships with but estimates the total number of women Smith had polygamous relationships to be "30 to 40." (FN 24 as of Sept 26, 2021). It estimates that the number of women who were already married to be "12 to 14" (FN 30 as of Sept 26, 2021).

42. June 27, 1844. Smith is killed while jailed at Carthage after being charged with a riot (based upon his destruction of the Nauvoo printing press for printing an article by his former LDS counselor, William Law, who exposes Smith's profligate adultery and vile character), and Smith is subsequently indicted by a grand jury for treason. Thereafter, the Mormon sects, including Defendant COJCOLDs describe and idolize Smith as a martyr.¹⁶ "Praise to the Man," a hymn written after Smith's death, is sung in LDS wards to this day.

43. 1847 Mormons settle in Mexican Territory. Mormon pioneers, led by Brigham Young who had assumed the role of prophet and president after Smith's death, enter Mexican territory in 1847.¹⁷ In 1848 the Treaty of Guadalupe Hidalgo is signed, ending the Mexican American War. The land occupied by the Mormons is named Deseret Territory. Young marries

¹⁵ <https://www.churchofjesuschrist.org/study/manual/gospel-topics-essays/plural-marriage-in-kirtland-and-nauvoo?lang=eng> (last viewed Sept 26, 2021)

¹⁶ https://www.churchofjesuschrist.org/music/library/hymns/praise-to-the-man?lang=eng&_r=1

¹⁷ Mormons have always claimed their leader to be "prophet, seer, and revelator," in addition to president.

approximately fifty-five wives. COP teaches that Young's polygamy was a necessary practice due to the number of women who outnumbered men in the Mormon Church.¹⁸

44. Mormons establish a theocratic kingdom in Deseret. In 1850 the University of Deseret is established. In 1851 newly enacted legislation provides public taxation that funds schools largely organized and run by the Mormons.

45. President Brigham Young boasts of the quality of Mormon liars. He brags that [the Church] has "the greatest and smoothest liars in the world." *Journal of Discourses*, 4: 77, Brigham Young, 1857.

46. Deseret Public schools no longer controlled by Mormons. Private educational system created. After passage of both the 1877 *Edmunds Tucker Act* prohibiting religious books in the classroom and the *Free School Act* of 1880, ensuring schools would be "free from sectarian control," the mainstream Mormon Church, now headquartered in Deseret Territory, establishes the Church Educational System ("CES"). By then, 20% of the territorial population was not affiliated with the Mormon Church.

47. 1887 LDS historian creates record of dozens of Smith's "wives." In 1887 Andrew Jenson, paid employee of the LDS Church, compiles a list of dozens of Smith's "wives". Jenson: "Plural Marriage." *Historical Record* 6 (May 1887): 219-40. The Historical Record was an assignment given by Mormon leaders to Jenson. Jenson's record is in COP's custody and control but upon information and belief, has never been released to LDS lay members *en toto*, though his records has been referenced in footnotes in the 2014 polygamy in Kirtland and Nauvoo essay.

¹⁸ Late 19th Century statistics do not bear out the preponderance of women to men; rather it was the reverse, more men than women.

48. 1890s, Temple Lot Affidavits Reveal Sexual Nature of Smith's Female Relations.

Protracted real estate litigation was brought by the Reorganized Latter-day Saints (RLDS) Church over a large tract of land (Temple Lot). In order to rebut RLDS claims that Joseph had not married his polygamous wives in the full sexual sense. Under the direction of 6th LDS president Joseph F. Smith, Sr., affidavits were obtained from founder Smith's wives who were still living and other Mormons who were present at the relevant periods. They testified that founder Smith had sexual relations with at least thirteen of his plural wives (Upon information and belief it was with many more, but those persons who could testify were mostly deceased more than 45 years after founder Smith died.) Upon information and belief, the affidavits by Smith's living wives obtained by President Smith were at one point, if not currently, in the custody and control of Defendant.

49. 1890 Mormon Manifesto. In 1890, as a condition of statehood, the Mormon Church abandons polygamy *via* the Mormon Manifesto. However, the practice continues for at least 20 more years, causing issues in confirmations of Utah politicians running for U.S. congressional seats. An underground network of Mormon polygamist leaders had to frequently move within the territory to escape the law. Currently it is believed that only fundamentalist Mormons engage in Earthly polygamy practice, though the law of "Celestial Marriage" *aka* polygamy, is an LDS principle practiced in the afterlife and remains in its scripture today at D&C ¶132.

50. 1912 New York Times Publication Exposes Book of Abraham fraud. The *New York Times* publishes an exposé on Smith's *Book of Abraham* translation, quoting an Oxford Egyptologist's opinion that the work is an "impudent fraud."¹⁹



51. Near that time, Franklin Spencer Spalding, reverend for the Salt Lake Episcopal Church, sends a letter to the Mormon leaders in Salt Lake City, informing them of the Egyptologists' opinion. The notice includes the following: "It is difficult to deal seriously with Joseph Smith's impudent fraud," wrote Dr. A. H. Sayce of Oxford University. The assistant curator of the New York Metropolitan Museum, Dr. Arthur Mace, who had located the papyrus in the museum's files, called the Mormon translations "... a farrago of nonsense." The Reverend apparently received no response. Upon information and belief, Defendant concealed the letter.

¹⁹ See [Exhibit No. 3](#) filed herewith, "Museum Walls Proclaim Fraud of Mormon Prophet," *The New York Times*, Magazine Section, Dec. 29, 1912. Article also available in large size to read at this link: <http://www.ulm.org/onlineresources/nytimes1912papyrus.htm> Several years ago COP stealthily published its online essay admitting some of what is in this article here: "Translation and Historicity of the Book of Abraham," Gospel Topics Essays (2016 version). <https://www.churchofjesuschrist.org/manual/gospel-topics-essays/translation-and-historicity-of-the-book-of-abraham?lang=eng> (Last Viewed 09/26/2021).

52. In January 1922, official Mormon Church historian B. H. Roberts spends days in a combined meeting of the First Presidency, apostles, and seventies presidents. He speaks of issues with *Book of Mormon* historicity and origins, suggesting Smith did not write it but that it was a collaborative effort among his colleagues, and a plagiarization of other 19th Century manuscripts and the Bible. He also points out the lack of archaeological evidence for the items, artifacts, minerals, animals, and civilizations described in the Book of Mormon. Roberts recommended that the problems he identified should be researched and publicly discussed.

53. According to a 2019 master's thesis by Shannon Caldwell Montez, in April, May, and June of 1922, Roberts presents his concerns to another group of highly educated men and women outside the Mormon hierarchy, but presumably contacted by Mormon leaders for a meeting at the home of LDS member James Moyle an attorney, and his wife Alice. As documented by LDS apostle and engineer Richard Lyman, the group includes experts in law, medicine (Roberts' third wife, Doctor Margaret Shipp Roberts), geology, archeology, and speech. Other journal entries reference two more physicians. Every member of the group had graduate degrees from institutions outside Utah. The "group represented many aspects of Mormon belief, different areas of expertise, and varying approaches to dealing with challenging information."²⁰

54. Montez writes that: "...[t]he information Roberts presented to both leadership and this group of Mormon intellectuals remained hidden, denied, and ignored (but not forgotten) for over sixty years. It was discovered and published as *Studies of the Book of Mormon* in 1985," a

²⁰ https://scholarworks.unr.edu/bitstream/handle/11714/6712/Montez_unr_0139M_13054.pdf (Accessed Feb. 10, 2021)

collection of B. H Roberts writings with editorial commentary that characterizes his struggles as revoked on his deathbed or characterizes his writing voice as that of a devil's advocate.

55. Contemporaneous notes from attorney Stephen L. Richards reads: "Closed. First Presidency Vault (only first presidency can access)." Richards serves as First Counselor to David O. McKay, when he was Church Commissioner of Education. Richards also serves as a member of the Quorum of the Twelve Apostles and First Counselor in the First Presidency. According to Montez, Richards was also mentor to Gordon B. Hinckley, LDS President from 1995-2008.

56. In 1923 the LDS Church incorporates. During the 20th Century, Church leaders sit on the boards of approximately nine hundred commercial companies and receive payment for those services, though upon information and belief, that practice has been discontinued relatively recently.

57. 1925, COP leader agents discover that a few BYU affiliated members had obtained copies of Roberts' 1925 manuscript detailing issues with *Book of Mormon* historicity and origins. They are ordered by Defendant's agents to destroy them and to 'keep your mouths shut.'"²¹

58. In 1930, Church Historian and Apostle B. H. Roberts Confirms that LDS President Joseph Fielding Smith has custody of Smith's brown peep or seer stone in his office vault.

59. In Depression Era 1930s, the LDS Church announces a comprehensive welfare program. Federal Dept of Labor and Management, WPA administrative assistant Dean R. Brimhall visits Utah in 1936 and writes: "most of the propaganda that has come out about the efforts of the Utah church [to provide financial help to its members] is fictitious." That despite the myths that

²¹ Wesley P. Walters, *Origins of the Book of Mormon*, p. 124, n. 3.

Church welfare had enabled most of its members to avoid public assistance, “Utah as a whole had a very heavy federal works program load,” and it was “among the highest in the nation.”²²

60. In 1938 J. Reuben Clark, then an apostle and second counselor in the LDS First Presidency, gives a classic speech to CES educators. In “The Charted Course,” Clark acknowledges that young LDS students are “inquirers seeking after truth.” He then warns CES teachers from sowing seeds of doubts as to the truthfulness of the LDS religion or Church, stresses the pragmatic success of the Church and calls upon teachers to show “intellectual courage” in the face of secular information which would undermine LDS teachings.

61. In a 1945 message to be taught to all LDS families, Defendant teaches that “When our leaders speak, the thinking has been done.”²³

62. 1955, LDS apologist, BYU Professor Hugh Nibley writes an article for COP’s *Improvement Era*, documenting the manipulation of history, citing numerous examples. But then, quoting Aquinas, he writes: “A subtle and very effective form of censorship is the silent treatment. “It is permitted,” writes St. Augustine, “for the purpose of building up religion in things pertaining to piety, when necessary, to conceal whatever appears to need concealing; but it is not permitted to lie, of course, and so one may not conceal by way of lying.” Nibley then notes that: “*The distinction is too fine, for silence can be very mendacious.*”²⁴ [Emphasis added.] According to BYU, “This series [Nibley’s articles on controlling the past by manipulating

²² Dean R. Brimhall letter to E.A. Rusk, 20 August 1938. University of Utah archives.

²³ “Ward Teachers’ Message for June.” *Improvement Era* 48 (June 1945)

²⁴ Hugh Nibley, Ph.D., “The Way of the Church Part 1: Controlling the Past -III Censorship” *Improvement Era* 58 (Mar. 1955), 152-4, 166, 168.

history] was to have been continued in the correlated *Era* but was abandoned, later published only in an academic journal.²⁵

63. After recovering Smith's Egyptian papyrus in 1966, COP appoints Nibley to defend Smith's Book of Abraham translation.²⁶ (See ¶¶73-74, photo of papyrus and resulting Facsimile No. 1, below.)

64. In the late 1950s based on a seven-million-dollar surplus, Henry D. Moyle a member of the Quorum of the Twelve Apostles, starts to purchase large parcels of land for the Church and a new property division of the Church is founded (which has changed names over the decades). This occurs after the Church reported having a \$7 million dollar tithing fund surplus. Doyle's spending results in the Church becoming \$8 million in debt soon thereafter.

65. From 1915 to 1959 Church leaders provide an accounting of tithing expenditures. From 1960 onward they have not accounted re: tithing income or expenditures to their members.

66. In the 19th and early 20th Centuries, prior to the creation of Correlation in 1961, Defendant's agents and Smith's wife Emma wrote about his seer stone as the instrument used to create the Book of Mormon. Smith himself when asked about how the Book of Mormon was created replied only through "the gift and power of God." Emma Hale Smith took her husband's dictation first in February 1828, by mid-April Martin Harris acted as scribe. He described the plates lying on the table, wrapped in, or covered with a small tablecloth. Oliver Cowdery began as scribe in April 1829 after the above described period of quiescence.

²⁵ <https://nibley.lib.byu.edu/tag/the-church-history/> (Viewed January 14, 2021.)

²⁶ Hugh Nibley, Ph.D. "Controlling the Past," "Two Views of Church History, "The Improvement Era., 58 (Feb. 1955), 86-7, 104, 106-7.

67. The following table sets forth several of these early admissions. By contrast, Plaintiffs, and most all potential members of the class were all born or began to read after Correlation was created and have only learned what was in the correlated material that concealed or at least obfuscated the recently admitted fact that a seer stone was used to create the Book of Mormon.

68. EARLY ADMISSIONS RE: SEER STONE IN BOOK OF MORMON CREATION

YEAR	WHO	STATEMENT	PUBLICATION
Circa 1835-47	Joseph Knight, Sr. Apparently helped support Smith financially while he created the Book of Mormon.	According to several accounts, when Joseph used his hat, he began the process by placing the stone in the hat, in order to read the words that would appear on the stone. Joseph then dictated the words he saw to his scribe. Joseph Knight Sr., who provided financial support for Joseph Smith during the translation, recounted, "Now the way he translated was he put the urim and thummim [by which he meant stone] into his hat and Darkened his Eyes" so that he could see the words a sentence at a time.	<i>Joseph Knight Sr., "Manuscript of the History of Joseph Smith," circa 1835–47, CHL (Church History Library. Open Access unknown)</i>
1870	Emma Hale Smith Bidamon	"Now the first that my husband translated was translated by the use of the Urim and Thummim, and that was the part that Martin Harris lost. After that he used a small stone, not exactly black, but it was rather a dark color. I cannot tell whether that account in the 'Times and Seasons' is correct or not because someone stole all my books and I have none to refer to at present. If I can find one that has that account I will tell you what is true and what is not."	<i>Letter to Emma Pilgrim, March 27, 1870.</i>

YEAR	WHO	STATEMENT	PUBLICATION
1870	Martin Harris reporting to Edward Stevenson, one of the LDS Presidents of the Quorum of the Seventy. Member of the LDS Seventy from 1844 to 1897.	Harris explained that Joseph Smith "possessed a seer stone, by which he was enabled to translate as well as from the Urim and Thummim, and for convenience he then used the seer stone. Harris explained that by the "aid of the seer stone, sentences would appear and were read by the Prophet and written by [Martin], and when finished he would say, 'Written,' and if correctly written, that sentence would disappear and another appear in its place, but if not written correctly it remained until corrected."	Martin Harris, reported by Edward Stevenson to the editor, <i>Deseret Evening News</i> , December 13, 1881, p. 4. (The interview occurred in 1870.) Edward Stevenson, "One of the Three Witnesses: Incidents in the Life of Martin Harris," <i>Millennial Star</i> 44, nos. 5–6 (Jan. 30 and Feb. 6, 1882): 78–79, 86–87.
1878	Orson Pratt, one of the original Twelve Mormon Apostles, and Joseph F. Smith nephew of founder Smith and 6 th President of the Church	"At such times Joseph used the 'seer stone' when inquiring of the Lord, and receiving revelations..."	Pratt, Orson, and Joseph F. Smith. "Report of Elders Orson Pratt and Joseph F. Smith." <i>Millennial Star</i> 40 (16 December 1878): 787.
1879	Emma Hale Smith Bidamon	"In writing for your father I frequently wrote day after day, often sitting at the table close by him, he sitting with his face buried in his hat, with the stone in it, and dictating hour after hour with nothing between us. ...The plates often lay on the table without any attempt at concealment, wrapped in a small linen table-cloth, which I had given him to fold them in."	Smith, Emma. Interview with her son, Joseph Smith III. <i>Saints' Herald</i> 26 (1 Oct. 1879): 289–90.
1882	Martin Harris, Smith's scribe before Harris lost 116 pages, as told to Edward Stevenson, who was one of the LDS Presidents of the Quorum of the Seventy. And member of the seventy.	Like Emma, Harris said that he sat the table near Joseph and wrote down the words as Joseph dictated. He likewise mentioned the plates lying on the table, wrapped in, or covered with a small tablecloth.	"One of the Three Witnesses: Incidents in the Life of Martin Harris," <i>Millennial Star</i> , <i>Id.</i>

YEAR	WHO	STATEMENT	PUBLICATION
1887 Richmond Missouri	David Whitmer, one of the original six founders of Mormonism. One of three witnesses who said he saw the gold plates in a vision. Later Apostle and Counselor to Smith.	"Joseph Smith put the seer stone into a hat, and put his face in the hat, drawing it closely around his face to exclude the light; and in the darkness the spiritual light would shine. A piece of something resembling parchment would appear, and on that appeared the writing. One character at a time would appear, and under it was the interpretation in English. Brother Joseph would read off the English to Oliver Cowdery, who was his principal scribe, and when it was written down and repeated to Brother Joseph to see if it was correct, then it would disappear, and another character with the interpretation would appear."	<i>"An Address to All Believers in Christ"</i> by David Whitmer.
1893	Edward Stevenson. One of the LDS Presidents of the Quorum of the Seventy. Member of the LDS Seventy from 1844 to 1897.	"Soon after Martin Harris returned from New York, he commenced to write for the Prophet while he translated from the gold plates. Martin often related to the writer the mode of translation. He said that the Prophet possessed a seer stone as well as the Urim and Thummim, by means of which he could translate the characters." (<i>Kindle Locations 647-649</i>).	<i>Reminiscences of Joseph, the Prophet, and the Coming Forth of the Book of Mormon</i> . Published by the Author at SLC, Utah
1907	George Q. Cannon, both LDS Apostle in the Quorum of the Twelve and Counselor in the First Presidency	"It was in the month of December, 1827, when Joseph reached the house of Isaac Hale in Pennsylvania; and without delay he began his inspired work of translation by the aid of the seer stones." (<i>Kindle Locations 554-555</i>).	George Q. Cannon. <i>The Life of Joseph Smith, the Prophet</i> . By George Q. Cannon, Second edition, Salt Lake City, Utah 1907

69. 1959 is the last year COP reveals its annual income and expenses to LDS members. Upon information and belief since that date a representation at each April Conference has been made that: "In all material respects, contributions received, expenditures made, and assets of the

Church...have been recorded and administered *in accordance with appropriate accounting practices*, approved budgets, and Church policies and procedures.”

70. However, upon information and belief, there has been at least two instances (the same bad practice repeated) during the 21st Century where Defendant has concededly deviated materially, if not radically, from any appropriate accounting standards. At some point, Defendant’s investment firm, EPA had a practice of deleting receivables from COP. The amount of money involved is unknown but upon information and belief is at least a million dollars. That practice was called out by a former EPA employee in years prior to his second objection in October 2016 and the worst practice appeared to be resolved for a while, but later the practice was reinstated.

71. 1961, COP creates a Correlation Committee or Department to ensure “purity of doctrine.”

72. 1963 N. Eldon Tanner, a former Canadian businessman, is chosen as First Counselor in the First Presidency. Though not disclosed to the general membership, he enacts a principle of setting aside money from annual donations including member tithing for a rainy-day fund. Over the next two decades the church invests and grows exponentially. The Church expands its prior practice of buying land to become a major landholder in several states. It invests in commercial buildings and other profit making ventures. Defendant begins fostering a belief among lay members by secretly instructing the LDS local stake presidencies, ward bishopric members and counselors and branch presidents and mission presidents that church business profits are maintained separate from tithing donations, which are used solely for ecclesiastical purposes.

73. 1966, assistant curator at the New York Metropolitan Museum of Art, Dr. Arthur Mace, locates the papyrus used as the source for *Book of Abraham*, Facsimile No. 1.

74. The “Smith Papyrus,” is rediscovered at the New York Metropolitan Museum in 1966 by Dr. Arthur Mace. The sketched outline of a human head is drawn over the first figure on the left of the re-discovered papyrus used for Facsimile No. 1, depicted below. The underlying, black-skinned figure is interpreted by all Egyptologists as the jackal-headed Egyptian God Anubis, the same Egyptian god as figure no. 6 depicted in *Book of Abraham*. ([Fasc. No. 3. ¶39 chart, above](#).)



Papyrus Used as the Source for Facsimile No. 1 in the *Book of Abraham*.

75. The chart below compares Smith’s translation with that of Egyptologists.⁷

The Book of Abraham		
A common funerary document		
Joseph Smith's Interpretation	Translated Correctly? Facsimile #1, Book of Abraham	Modern Egyptological Interpretation
The Angel of the Lord.	1	The spirit or "ba" of Hör (The deceased fellow)
Abraham fastened upon an altar	2	The deceased: His name was "Hör"
The idolatrous priest of Elkenah	3	Anubis
The altar for sacrifice by the idolatrous priests, standing before the gods of Elkenah, Libnah, Mahmackrah, Korash, and Pharaoh.	4	(see original image, this figure was originally portrayed with the head of a Jackal)
The idolatrous god of Elkenah.	5	A common funereal bier or "lion couch"
The idolatrous god of Libnah.	6	
The idolatrous god of Mahmackrah.	7	
The idolatrous god of Korash.	8	
The idolatrous god of Pharaoh.	9	
Abraham in Egypt	10	This is the god "Horus"
Designed to represent the pillars of heaven, as understood by the Egyptians.	11	A libation table bearing wines, oils, etc. Common in Egypt.
Raukeeyang, signifying expanse, or the firmament over our heads; but in this case, in relation to this subject, the Egyptians meant it to signify Shaumau, to be high, or the heavens, answering to the Hebrew word, Shaumahyeen.	12	A palace façade, called a "serekh"
Joseph Smith's Interpretation available @ lds.org/scriptures/pgp/abr/fac-1 Modern Egyptological Interpretation compiled @ bookofabraham.com/boamathe/BOA_6.html LDS apologist explanation @ en.fairmormon.org/Book_of_Abraham/Joseph_Smith_Papyri/Facsimiles/Facsimile_1		
MormonInfographics.com		

76. Defendant acquires the papyrus fragments in 1967. Egyptologists confirm it is the Ptolemaic priest Hor's funerary document. Mace characterizes Smith's translation as "...a farrago of nonsense." COP hires Hugh Nibley, student of ancient languages but non-Egyptologist, as their official apologist to refute all mainstream Egyptologists' opinion that Smith's translation is fraudulent.

77. Among the fragments is one admitted as the source of Smith's Facsimile No. 1 from Smith's own Egyptian Alphabet and Grammar notes.²⁷ (See [Exhibit No. 4](#) filed herewith, Smith's Egyptian Grammar and Alphabet.)

78. Though Defendant does not make public an official translation, upon information and belief, by 1973 COP is presented with several Egyptologists' translations of the key papyrus, including Henry L. F. Lutz and Leonard H. Lesko. Both identify it as the Egyptian *Book of the Dead*. Their reports are presented to Milton R. Hunter of the first Quorum of the Seventy, and Apostle Hugh B. Brown, and others. Both Hunter and Brown admit privately that the *Book of Abraham* was not what the Church claimed. Despite his initial skepticism about the helpfulness of the papyrus, Hugh Nibley was hired as the apologist for the *Book of Abraham*, writing prolifically of its defense.

79. In 1974 Dr. Reed Durham, then Director of the LDS Institute of Religion at the University of Utah, reveals to the Mormon History Association (a nonprofit association dedicated to the study of Mormon History and never mentioned in correlated LDS meetings or publications) that what had been previously identified by the Church as the "Masonic jewel of the Prophet Joseph Smith" was in reality a "Jupiter talisman," a medallion containing magic and astrological signs. Emma reported on many occasions that her husband carried the talisman throughout his life and that it was in his pocket when he was assassinated in 1844. In astrology, Jupiter is associated with high positions, getting one's own way, and all forms of status. Upon information and belief, the piece is located in COP's archives.²⁸

²⁷ *Improvement Era*, Feb. 1968, p. 40.

²⁸ The piece shown below is one thought to be similar to Smith's piece, showing only one side of the talisman. The sketch below shows markings similar to those believed to be on either side of the talisman.



80. 1977 an amendment is filed to COP's Articles of Incorporation that gives COP the right to acquire, manage and dispose of assets without authority from its own Church members.

81. 1972-1981, COP censors, and after nine years of Arrington's frustration, demotes LDS Church Official Historian Leonard J. Arrington, who wants to publish "real" Church history. Arrington documents his struggles with Correlation and the LDS leaders (the Brethren), in his private journals which he kept from 1972-1997, some of which are published posthumously.

82. Arrington describes his experience with the LDS correlation process:

With some amazement, Leonard recorded that the editors first used their own judgment regarding what to publish, but then submitted it to managing director Doyle Green to check He, in turn, worked through Correlation Committee review. If a disagreement then emerged, the proposed publication went to the Quorum of the Twelve, where Thomas Monson, Gordon Hinckley, and Boyd Packer made the ultimate decision. There were subjects the editors were not allowed to broach.²⁹

²⁹ *Leonard Arrington and the Writing of Mormon History*, by Gregory A. Prince. University of Utah Press (May 30, 2016). Kindle location 4193.

83. 1981, LDS President Spencer W. Kimball proclaims the Three-Fold Mission of the Church in April General Conference. He outlines the three major elements of the mission or purpose of the Church to: proclaim the gospel, perfect the Saints, and redeem the dead.

84. 1990s. Missionaries serving in this decade and beyond (post internet), are often confronted with the historical anomalies and misrepresentations identified in this case. When they are, and seek counsel from their leaders, they are told directly and explicitly by their leaders that those are anti-Mormon lies.

85. 1997, COP-owned Ensign Peak Advisors is incorporated as a non-profit entity. Upon information and belief, billions of dollars of surplus tithing donations funds EPA. This fact is concealed from LDS members. (See [Exhibit No. 5](#) to this Complaint, [Declaration of former EPA employee David A. Nielsen, ¶5](#))

86. COP begins to use approximately \$1 billion annually of tithing principal for investments.³⁰

87. During the early 2000s (upon information and belief 2003-2012) the Church uses several billion dollars' worth of tithing for profit-making entities, in contradiction to COP's longstanding representations that tithing is used only for ecclesiastical purposes. During this time Defendant assures its members that no tithing has been used for Salt Lake's City Creek Mall.

88. In 2012, COP amends and adds a disclaimer to its tithing forms. Those forms, both pre and post 2012, are depicted below. Fast offering donations are known to all LDS to be used to feed the poor at the local level. Thus, even with the disclaimer, the forms listing categories that the Brethren had historically said tithing was used for (and as of 2009 humanitarian aid) lead a

³⁰ See last sentence of Ex. A to Declaration of David A. Nielsen, filed as [Exhibit No. 5](#) to this Complaint.

[229-230, 233, 237-238, 244-](#)

[245, 258, 260, 239, 273, and 283-284\), and as printed on the forms, are the only categories that their tithing is used for.](#) Upon information and belief, not until late 2020-21, after news of the whistleblower complaint filing in December 2019, did COP clearly disclose that tithing is used to fund commercial projects. And even then, upon information and belief that disclosure was not in local meetings or conference but in a news report.

Tithing and Other Offerings		
Date	Ward or branch	
Name (last, first, middle). Use the same spelling on all your slips.		
Full address		
Tithing	\$	
Fast offering	\$	
Ward missionary	\$	
General missionary	\$	
Book of Mormon	\$	
Humanitarian aid	\$	
Temple construction	\$	
Perpetual education	\$	
Other (specify)	\$	
Total	\$	
Check(s)	Currency	Coin
\$	\$	\$
All donations to the Church's missionary fund become the property of the Church to be used at the Church's sole discretion in its missionary program.		
WHITE—Place with tithing and other offerings in envelope. Give envelope only to a member of the bishopric or branch presidency.		
CANARY—Keep for your own records.		
© 1990, 2012 IRI. All rights reserved. Printed in the USA. 2012-31982		

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³¹ The 2012 Disclaimer (form on the right) states: “*Though reasonable efforts will be made globally to use donations as designated, all donations become the Church’s property and will be used at the church sole discretion to further the Church’s overall mission.*” The prior disclaimer related only to the use of missionary funds.

89. In 2019, David A. Nielsen, former senior portfolio manager of EPA and his brother Lars, file a Complaint with the IRS under the IRS Whistleblower Statute, alleging that COP misused several billion dollars of titling principal commingled with earnings from EPA, which as of late 2019 had accumulated a \$128 billion dollar mostly liquid fund that IRS regulations require be used for charitable purposes.

90. Upon information and belief, at least during the 2010s, EPA had a practice of deleting receivables from COP. When that practice was called out by David Nielsen during his employment at EPA, his superiors corrected it for a time, but later Nielsen noticed that the practice had been reinstated.

91. Upon information and belief, over the past several decades since refusing to provide an accounting of income and expenses as of 1960, COP agents have assured LDS members every April during general conference that: “In all material respects, contributions received, expenditures made, and assets of the Church...have been recorded and administered in accordance with appropriate accounting practices, approved budgets, and Church policies and procedures.”

III. PARTIES

92. Plaintiffs LAURA GADDY, LYLE SMALL and LEANNE HARRIS (hereinafter “Named Plaintiffs” or Plaintiffs) bring this Complaint on behalf of themselves individually and all those persons similarly situated who have devoted their lives to the LDS Church.

93. Named Plaintiffs’ allegations are based upon personal knowledge as to their own acts and experiences, and as to all other matters, are based upon information and belief, including former COP employee witness statements and other investigation conducted by their attorney,

94. GADDY is a current resident of Dahlgren Naval Base, George County, Virginia.
95. SMALL is a resident of El Paso County, Colorado.
96. HARRIS is a resident of San Luis Obispo County, California.
97. COP is a Utah corporation sole, organized and operating since 1923. COP operates and advertises itself to the public as [the] “Church of Jesus Christ of Latter-day Saints.”™
98. COP is a holding company that owns and/or controls various wholly owned subsidiaries and for-profit entities. COP’s belief system (mainstream Mormonism), and the entire corporate structure governing what is known as the LDS Church (its subdivisions, *dbas*, and subsidiaries, including but not limited to the Church Education System (“CES”), Correlation Department (“Correlation”), Intellectual Reserve Inc. (“IRI”) Deseret Management (“DMC”) Bonneville International Corporation (“BIC”) Ensign Peak Advisors (“EPA”), temples, local, national, and global leaders, et. al.), along with the Corporation of the Presiding Bishopric (“CPB”), an entity subject to the direction of COP and which holds the real property of COP, constitute the Mormon Corporate Empire (“Empire”).
99. COP oversees the Empire through a hierarchy of employees and agents described below, and is headquartered in Salt Lake City, Utah. The LDS Church claims a membership of more than sixteen million worldwide. COP has two primary functions: 1) to manage the tithing and other income received through activities performed within the Empire; and 2) to ensure that all instruction and education of local members, including young missionaries as well as potential members recruited by those missionaries, are taught tightly correlated LDS doctrine and history.
100. Administrators of COP’s Church Educational System (“CES”) work tightly with Correlation. Each member of the First Presidency (who are also part of the executive Correlation

Department) sit on the Board of Directors of CES. The most senior of the twelve apostles (currently Jeffrey Holland) also serves on the CES board.

101. COP operates meetinghouses or chapels across the United States and many other countries in the world, including one in Gastonia, North Carolina, where GADDY attended and local chapels nationwide attended by both SMALL and HARRIS. COP's principal place of business is 50 E. North Temple, Floor 20, Salt Lake City, Utah.

102. It has come to our attention that Defendant COP has recently merged with the entity formerly known as CPB (Corporation of the Presiding Bishopric) who prior to the merger, changed its name to the Church of Jesus-Christ of Latter-day Saints. It has also come to our attention that there are dozens of entities created by Defendant whose names have no apparent affiliation with Defendant, and which entities act on its behalf. Therefore Plaintiffs have added Doe Defendants.

103. Ruling on class certification has yet to occur. Therefore, whenever allegations reference "Plaintiffs," it includes all those similarly situated who could be part of the Class, if certified.

104. Occasionally Name Plaintiffs allege facts based upon information and belief. This occurs because most all evidence is peculiarly within the custody and control of COP, especially as to how its spends LDS members' tithing and as to frequently altered online versions of its rhetoric.

IV. JURISDICTION AND VENUE

105. GADDY, SMALL and HARRIS bring their Complaint under federal diversity authority, 28 U.S.C. §1332, as the parties are completely diverse in citizenship and the amount in controversy exceeds \$75,000.00, exclusive of costs and interest. The total claims of the proposed class exceed \$5 million dollars.

106. The Court has subject matter jurisdiction over Cause of Action VI, as a federal question under the Racketeer Influenced and Corrupt Organizations Act (“RICO”), 18 U.S.C. §1964(c).

107. The Court has pendent jurisdiction over Causes of Action I-V and VII.

108. Venue is proper in this District under 28 U.S.C. § 1391(b). COP’s headquarters and principal place of business is located in Utah and a substantial portion of the acts and omissions alleged herein to have been committed occurred and/or were originated within this District.

V. FACTUAL ALLEGATIONS—THE MORMON CORPORATE EMPIRE.

109. The Mormon Corporate Empire is composed of distinct levels of participation: A) Paid General Authorities; B) (Unpaid) Local Leadership; C) the Educational Empire; and D) For-profit Business Entities.

A) Paid General Authorities (GAs)

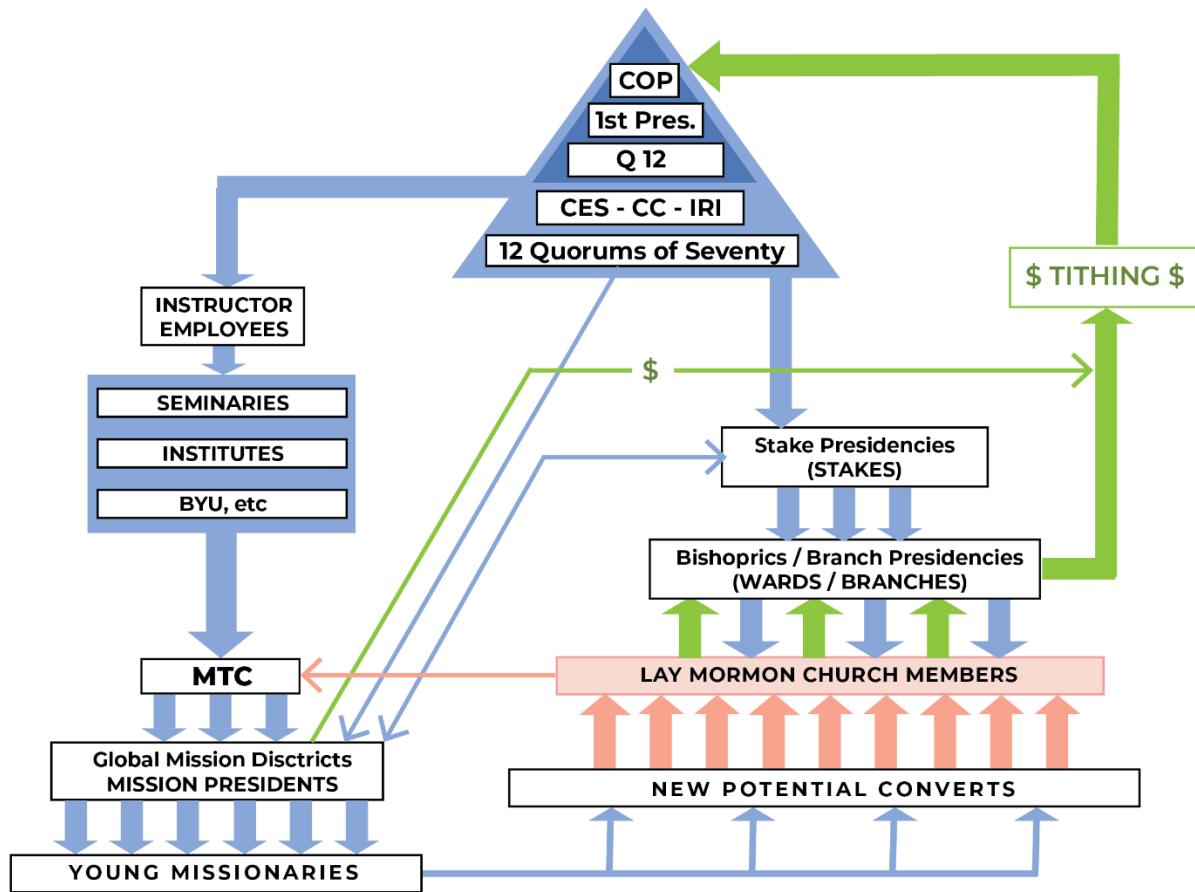
110. The Empire is led by fifteen apostles. Russell M. Nelson is the current president, sole officer, and shareholder of COP. The president selects two apostles as counselors. The three men function as the First Presidency, the governing body of the Empire. The Quorum of the Twelve Apostles (Q12) is the next highest-ranking governing body in the Empire, second only to the First Presidency. Together, the First Presidency and the Q12 are colloquially called “the Brethren,” and constitute the highest-ranking General Authorities (“GAs”).

111. Despite historic representations to its members that LDS clergy are unpaid (later qualified at times to limit the representation to *local* clergy) all GAs, including the Brethren and each member of the twelve quorums of the Seventy, receive a minimum six figure annual stipend and a million-dollar signing bonus, once they become a Seventy. Upon information and belief, the Brethren receive several times that amount.

112. Upon information and belief, the Brethren have historically been involved in various businesses affiliated with the Empire, for which they receive passive income and other benefits.

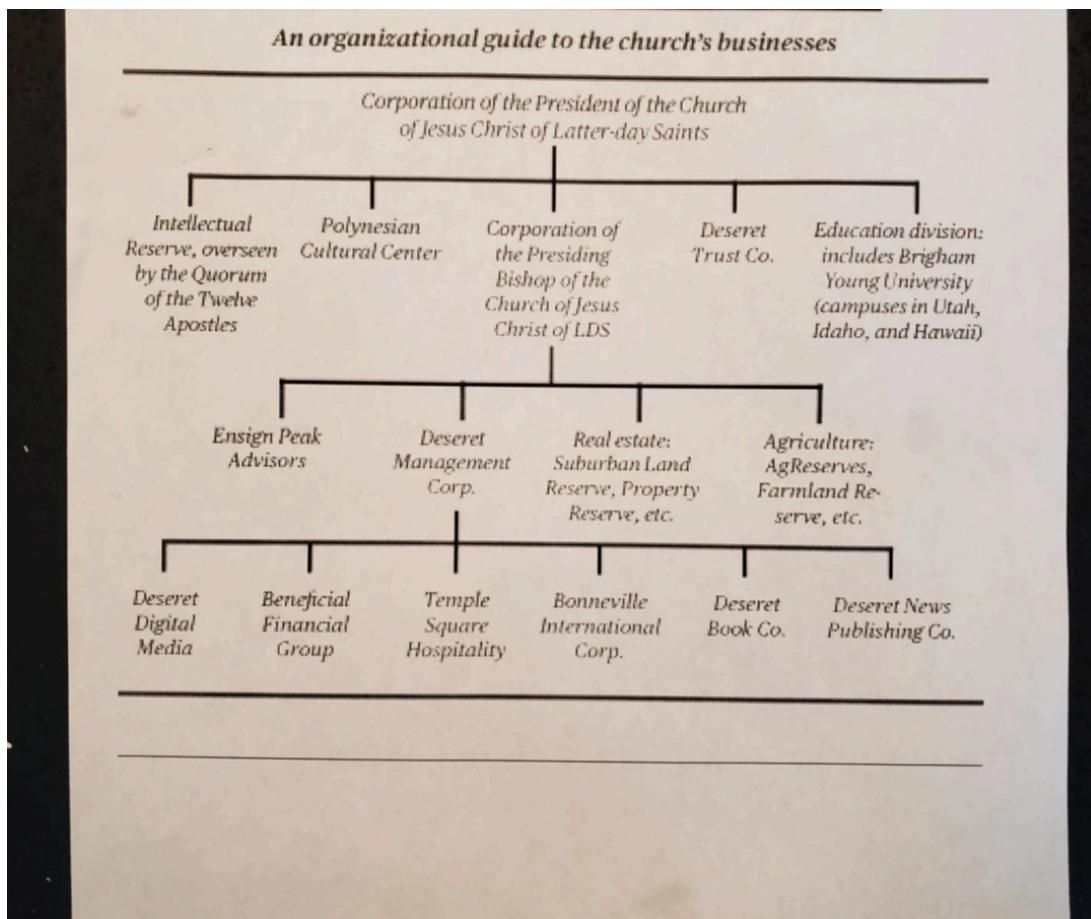
113. GAs besides the Brethren include the president and two counselors in the Corporation of the Presiding Bishopric (“CPB”) which leads the Aaronic, or lesser priesthood as opposed to the Melchizedek or greater priesthood. CPB also manages and holds real estate owned by the Empire. The Seventies, of which as of April 2021, there are 99 General Authority Seventies and twelve quorums of Area Seventies. These quorums are spread out over global geographic areas. The first two quorums are considered GAs; the other ten are Area Seventies; upon information and belief, dozens of men compose each quorum.

114. The Council on the Disposition of Tithes (“CDT”) is comprised of the First Presidency, the Quorum of the Twelve Apostles (Q12), and the Presiding Bishopric (CPB). Every first Friday of December these men meet together to examine and approve the allocation of the Church’s funds from estimated tithes and offerings for the following year.



	THE BRETHREN
COP	CORPORATION OF THE PRESIDENT
1st Pres.	FIRST PRESIDENCY
Q 12	QUORUM OF THE TWELVE
CES	CHURCH EDUCATIONAL SYSTEM
CC	CORRELATION COMMITTEE
IRI	INTELLECTUAL RESERVE, INC.
MTC	MISSION TRAINING CENTER

116. PROFIT or BUSINESS SIDE OF THE MORMON CORPORATE EMPIRE*



*Diagram published in the *Arizona Republic* circa 1991. The businesses listed 30 years ago have, upon information and belief, increased exponentially, especially real estate-related and financial investment companies. Beneficial Life Insurance (a division of Beneficial Financial Group) ceased writing insurance in 2009. According to the Declaration of David A. Nielsen (Exhibit No. 5 to this Complaint), COP used tithing from EPA in an attempt to bail the company out of financial distress. We can now assume per statements made in another case against COP, that all of these businesses were initially funded with tithing surplus (excess over church related expenses) from LDS tithe payers. The business aspect means only that taxes are paid on the profit from these commercial ventures.



118. The Empire is organized at the local level by stakes, or districts, which in turn oversee respectively, several wards or branches; both are geographic units which are similar to a parish. A branch is a quantitatively smaller version of a ward within the mission district boundaries. A district is a numerically smaller stake, generally found in missions. All stake leaders are called to serve by GAs. Stake officers call bishops/branch presidents to serve in the wards/branches.

119. Each stake is a separate registered corporation sole under the North American Industry Classification System (NAICS). Historically, each stake had been considered a religious organization, while COP is listed as “other.” The bishopric or branch presidency (which is composed of a bishop or branch president and his two counselors) is the leader of the ward and is supported by a clerk and an executive secretary who respectively attend to the ward’s financial and administrative concerns. Primary among those duties is the collection of tithes.

120. Per COP directive, local unpaid leaders are subject to the direction of COP’s paid employee-leaders. COP provides correlated instructional materials and requires that the local leaders/teachers instruct members over whom they preside, teach solely from the contents of correlated manuals, “no outside sources” to be used. They also ensure that tithing and other money is collected from LDS members and remitted to COP. Local unpaid leaders cultivate commitments to free service by LDS members, whether at weekly meetings or as missionaries.

121. In addition to unpaid local leaders, mission presidents head the mission districts by supervising unpaid missionaries around the world. Mission presidents receive a generous annual living stipend and other benefits for their family. They are called to serve by GAs.

122. At the age of twelve, all LDS males are eligible to become members of the priesthood. No LDS females of any age are ordained to the priesthood but serve under its direction.

123. The bishop and administrators, as agents but not employees of the COP, send the total amount of tithing collected to the COP, who returns only a tiny portion of what is collected to each local ward for its support and for local member needs. After Church operating expenses are paid, upon information and belief, excess tithing proceeds of up to approximately \$1 billion annually, have been deposited in EPA or a similar type fund since the early 2000s. These funds are used for investments and commercial projects to expand the Mormon Corporate Empire.

124. In or about 2016, COP secretly created thirteen LLC entities in the names of various COP employees. Combined, the thirteen companies owned stock valued at \$32,769,914,000 as of 2017. Each of the thirteen companies have domains hosted by the LDS Church servers, which also hosted LDS.org and Mormon.org. "All of them were registered on July 21, 2016."³²

The Mormon Church Educational System-- CES and Correlation

125. The Mormon Church Educational System (CES) includes several institutions which provide religious and secular education for both LDS and unaffiliated students in elementary, secondary, and post-secondary institutions such as BYU campuses and the LDS Business College, as well as adult education and online programs. All religious instruction is carefully manipulated by limiting teaching materials, including Church history and information about Smith to that which is Correlation-approved. A uniform system of censorship is administered by the CES Board of Directors.

³²

https://mormonleaks.io/wiki/index.php?title=Investment_Portfolios_Connected_to_the_Mormon_Church

126. Correlation's executive committee consists of the three members of the First Presidency and the Q12, i.e., the Brethren, who have the final say on what is correlated and the substance of all rhetoric that is disseminated to the local members and missionaries. Under the direction of the Correlation's Executive Committee, the CES Board and the Curriculum Department serving within CES, compiles the content of all COP's official publications, including but not limited to what is taught at the local levels (stakes, wards, and branches), as well as the content of all missionary manuals and materials used to instruct the missionaries and in turn, used by those missionaries to recruit converts. In order to facilitate this function, the CES, as approved by Correlation, ensures that only correlated history is taught by all professional and local church leaders at all LDS institutions, schools, and conferences, including Sunday School, Relief Society (women's organization), Aaronic and Melchizedek Priesthood (men's organizations), Young Men, Young Women (teen organizations for each gender) and Primary (children's organization), and speeches at General Conference ([¶130, below.](#)).

127. In 1961 Defendant created a Correlation Committee or Department ("Correlation"). COP claims that first among Correlation's purposes is to ensure "purity of doctrine." Correlation compiles, edits, and promulgates all information, not merely doctrine, but also historical religious facts material to the origin of the Church and its scriptures. Over the last half century or more, correlated materials were provided to unpaid teachers and administrators in charge of local wards or branches, as well as COP corporate leaders and paid employees. Under threat of job loss and/or excommunication, paid Correlation and/or Church Educational System (CES) employees and local leaders were required to teach only correlated materials to LDS members

and potential converts. Correlation also created missionary training materials used to teach young missionaries, who in turn, used the correlated material to teach potential converts.

128. For more than fifty years, Correlation has been the vehicle used to deliver COP's correlated representations of Mormonism's foundational history, important parts of this narrative identified in this complaint are not sincerely believed by the Brethren due to the contents of their archives. The story built around those representations is the traditional historical narrative. The Empire would not have grown as it has without worldwide promulgation of the correlated traditional historical narrative that excluded reference to the stones, artifacts, original manuscripts, documents, and other important items and information concealed by Defendant.

i. Missionaries

129. Mormon/LDS missionaries are typically young men and women who are recruited directly from high school and are indoctrinated for two months by COP employees at a missionary training center ("MTC"). After completing the MTC training, they are sent for a period of 18-24 months to a particular mission. Mission districts are located in most countries in the world. There, the young missionaries recruit others to join the Church. Like local LDS leaders, missionaries are not paid. Additionally, and typically, either the missionary and/or their family must provide the missionary's support for the duration of their mission. As of late 2012, the age to serve an LDS mission was lowered from 19 to 18 for men and 21 to 19 for women.

ii General Conference

130. Twice a year in April and October, a world General Conference ("Conference") is held at Temple Square in Salt Lake City (held today in the Conference Center adjacent to Temple Square), where the Brethren and various GAs speak. General Conference sessions are broadcast

live and either attended, watched via satellite, or more recently streamed live on the internet, by most all LDS worldwide. Sessions last several hours on each day of the chosen weekend.

131. At various times throughout the last half century and longer, the GAs have made statements which have become an oft-repeated precept among LDS followers to the effect that neither the prophet nor the Brethren, GAs, nor any of the LDS leaders will ever lead the members astray. This promise is initially instilled in young children's minds through song and continues to be emphasized throughout LDS members' lives. Plaintiffs sang the song "Follow the Prophet" ([See ¶304 below.](#)) This promise has been made by prominent leaders since the days of Mormon president, Brigham Young, and was repeated in Conference up through at least 2014. Additionally, GAs have reinforced and adopted as their own, all the writings of Smith. Specifically, they have represented both directly and by lack of disclaimer in canonized scripture, as in Smith's translation of the *Book of Abraham* that his claims are "without error."

132. LDS followers are encouraged to rely on the counsel of the Brethren, GAs, and local leaders. Before they became GAs, most COP leaders were businessmen or professionals in the areas such as law, business, organizational behavior, and medicine. Most all have no formal theological training other than LDS religion classes at LDS affiliated post-secondary institutions.

D) Profit-Making Business Entities

i. Deseret Management Corporation ("DMC")

133. Deseret Management Corporation is a private asset management holding company of for-profit businesses owned by COP and an integral part of the Empire. DMC's Board of Directors includes the First Presidency, and upon information and belief, three rotating members of the Quorum, and the Corporation of the Presiding Bishopric of the ("CPB").

134. Bonneville International Corporation (“BIC”) is a media broadcasting corporation and wholly owned subsidiary of the COP through its for-profit subsidiary, DMC. It began as a radio and TV network. It now owns over a dozen stations in major markets and an NBC affiliate television station in its home market; it also manages additional radio stations. In 1980 BIC formed Bonneville Communications Corporation, primarily to broadcast General Conference.

135. Deseret Book (“DB”) is a for-profit Utah corporation and wholly owned subsidiary of DMC. It sells its publications through catalogs, e-mail, and the DeseretBook.com website. All publications sold are COP-approved through Correlation.

136. Deseret News Publishing (“DNP”) is a 1931 for-profit Utah corporation that publishes the *Deseret News*, one of two major Utah-based newspapers circulating in Salt Lake City, Utah.

137. Deseret Digital Media (DDM) develops and manages the many websites owned by COP.

ii Intellectual Reserve, Inc. (“IRI”)

138. Intellectual Reserve, Inc., as both a corporate subsidiary and a *dba* of COP, is subject to the oversight of Correlation. IRI owns COP’s copyrights and trademarks. Since its incorporation in 1997, it is often listed as publisher of correlated educational material.

iii Ensign Peak Advisors (“EPA” or “EP”)

139. EPA is an asset and investment management firm created in 1997 which, upon information and belief, has accumulated profits from investing tithing, including tithing principal, to over \$128+ billion as of 2019, in a mostly liquid fund used to finance COP for-profit businesses, including Salt Lake’s City Creek shopping Mall. It was also used to bail-out Beneficial Life Insurance Company, another for-profit COP affiliate, which as of 2009 has

ceased to write insurance policies.

VI. ALLEGED FACTS APPLICABLE TO ALL PLAINTIFFS AND CLASS MEMBERS

140. GADDY, SMALL and HARRIS bring this putative Class Action Complaint against COP to obtain damages for themselves and similarly situated persons injured by COP’s “scheme or artifice to defraud” in promulgating an historical narrative that contains misrepresentations critical to the foundation, mission, purpose, and functional role of the LDS Church, which narrative, in material aspects, the Brethren in charge of Correlation do not sincerely believe.³³ As part of that scheme, Defendant represented that tithing is used for religious purposes, without a full and fair disclosure that it had used tithing to grow a global financial empire at least since the 1970s.

141. Members of the current LDS First Presidency have all held top leadership positions in the Church since at least the mid-1980s and thus have spent decades directing Correlation. Russell M. Nelson and Dallin H. Oaks served as members of the Quorum of the Twelve Apostles since at least the mid-eighties. Henry B. Eyring initially worked as a CPB counselor, and later worked as part of the Quorum of the Twelve. Eyring has also spent much of his time as LDS Commissioner of Education for a total of twenty-five years, in three different time periods spanning from April 1985 to January 2005. He was also president of Defendant-owned Ricks College Rexburg, Idaho, from 1971 to 1977. Oaks was also the eighth president of BYU, from August 1971 to August 1980.

³³ Throughout law and motion, COP has argued that these misrepresentations at issue are religious beliefs or doctrine. Plaintiff has argued that they are historic facts, though in a religious context. Whether considered fact or doctrine, Plaintiff alleges that at all relevant times, COP leaders did not believe the specifically identified representations at issue which they approved and promulgated via Correlation.

142. The scheme also involves the historic concealment of stones, artifacts, documents, original manuscripts, and information from its members, despite promises that LDS leaders would never lead them astray.

143. By inviting Plaintiffs and others like them to trust the Brethren, Defendant created a duty to disclose Smith's criminal and civil fraud (including secret adultery) history prior to entering into a bilateral ongoing contract with its members for payment of 10% of their income in exchange for a temple endowment (necessary for both mission service and temple marriage).

144. Below is a table of statements by the Brethren inviting the trust of its members. These are only those made relatively recently, many more have been made from the 19th Century onward.

“WE WILL NEVER LEAD YOU ASTRAY,” INVITATION TO TRUST TABLE

YEAR	REPRESENTATIONS	WHERE	WHO	LINK/SOURCE
1972	Quoting President Heber J. Grant, Seventh president of the COJCOLDS: “Brethren, keep your eye on the President of this Church. If he tells you to do anything and it is wrong and you do it, the Lord will bless you for it. But you don’t need to worry; the Lord will never let his mouthpiece lead this people astray... ”	April Gen. Conf. 1972	Marion G. Romney, Q12	https://www.churchofjesuschrist.org/study/general-conference/1972/04/the-covenant-of-the-priesthood?lang=eng
1961, 1972, 1973 & 1974	Quoting President Harold B. Lee, Eleventh president of the COJCOLDS, who was quoting President Grant: “The Lord will never let his mouthpiece lead this people astray.”	BYU 04/19/61 in <i>Ensign</i> 10/1972, p.7, 10/1973 General Conference, and in the <i>Ensign</i> 01/1974.	David B. Haight, Assistant to the Q12	https://www.churchofjesuschrist.org/study/general-conference/1973/10/you-are-different?lang=eng and https://www.churchofjesuschrist.org/study/ensign/1974/01/you-are-different?lang=eng
1974	“Our Responsibility to the Transgressor” “We are led today by the Lord through a prophet of God, President Spencer W. Kimball... If we will follow him, we cannot go astray. ”	Spoken at October 1974 General Conference	N. Eldon Tanner Q12	https://www.churchofjesuschrist.org/study/general-conference/1974/10/our-responsibility-to-the-transgressor?lang=eng
1976	“In closing, I leave you this one thought: When Brother Marion G. Romney was called to be one of the Assistants to the Twelve, President Grant said,	BYU Devotional	LeGrand Richards, Q12	https://speeches.byu.edu/talks/legrand-richards/prophets-scriptures/

	"Marion, if you'll follow the President of this Church, you'll never go astray."	September 28, 1976		
YEAR	REPRESENTATIONS	WHERE	WHO	LINK/SOURCE
Feb. 26 th 1980	"From Fourteen Fundamentals of Following the Prophet," "The prophet will never lead the Church astray."	BYU	Ezra Taft Benson Q12	https://speeches.byu.edu/talks/ezra-taft-benson/fourteen-fundamentals-following-prophet/
Dec. 12 th 1981	"Let us follow them [the LDS prophets] and avoid being led astray."	Church (Deseret) News, p.16	Mark E. Peter-son Q12	Church (Deseret) News, p.16
1960 & 1981	"Opposition to the Work of God." Assay quoting Heber J. Grant, quoted by Marion G. Romney: "The Lord will never let his mouthpiece lead the people astray."	<i>Conference and Conf Report Oct. 1960, p. 78. Ensign Nov. 1981,</i>	Carlos E. Asay, Presi-dency of the 1 st Q of the seventy.	https://www.churchofjesuschrist.org/study/general-conference/1981/10/opposition-to-the-work-of-god?lang=eng
1964 & 1982	"The Place of the Living Prophet, Seer, and Revelator." "...here in 1964 we have a mouth- piece to whom God is revealing his mind and will. God will never permit him to lead us astray."	"Address to Religious Educators," 07/08/64, by the COJCOLDS	Harold B. Lee, 11 th President of Church	"Address to Religious Educators," 7/8/1964 in <i>Charge to Religious Educators</i> , 2 nd ed. SLC: CES, 1982 p. 112
1987	"Neither the Pres. of the Church, nor the 1st Presidency, nor the united voice of the 1st Presidency and the Twelve will ever lead the Saints astray."	"Follow the Brethren," Oct. 1987 Gen. Conf.	L. Aldin Porter, Presidenc y of the Seventy	https://www.churchofjesuschrist.org/study/general-conference/1987/10/follow-the-brethren?lang=eng
Feb. 14 th 1995	"But We Heeded Them Not" "The united voice of the First Presidency and the Twelve will never, never, never lead us astray."	BYU Speech	L. Aldin Porter Presidenc y of the Seventy.	https://speeches.byu.edu/talks/l-alдин-porter/heeded-them-not/
March 12, 1996 And Nov., 1997	"You keep your eyes riveted on the First Presidency and the Quorum of the Twelve Apostles. We will not lead you astray. We cannot."	BYU "When Shall These Things Be?" & <i>New Era</i> "How to Find Safety & Peace." 11/1997	M. Russell Ballard Q12	https://speeches.byu.edu/talks/m-russell-ballard/shall-things/ Also published the following year in: https://www.churchofjesuschrist.org/study/new-era/1997/11/how-to-find-safety-and-peace?lang=eng
April 1996	"I give you my solemn testimony that this Church will never be led astray."	"Stand True & Faithful," April 1996 Gen. Conf.	Gordon B. Hinckley 15 th President of the Church.	https://www.churchofjesuschrist.org/study/general-conference/1996/04/stand-true-and-faithful?lang=eng

YEAR	REPRESENTATIONS	WHERE	WHO	LINK/SOURCE
Oct. & Nov., 1998	“But if we listen to the voice of the Lord through His living prophet and follow his counsel, we will never go astray... The Lord has given some marvelous guarantees without any disclaimers. And this is one of them: He will choose the prophet, and He will never let that man lead us astray. Imagine for a moment the impact of that promise. There is at least one place we can turn for pure, unpolluted guidance.”	Delivered live at Oct. 1998 General Conf. & published in the Nov. 1998 <i>Ensign</i> .	Virginia U. Jensen, first counselor to the 13 th Relief Society General President.	https://www.churchofjesuschrist.org/study/general-conference/1998/10/come-listen-to-a-prophets-voice?lang=eng Published next month in: https://www.churchofjesuschrist.org/study/ensign/1998/11/come-listen-to-a-prophets-voice?lang=eng
2004 live; later printed in 2007	“We have a singular protection not enjoyed by the world in general. The prophet will never lead us astray. President Wilford Woodruff wrote: “ The Lord will never permit me or any other man who stands as president of this Church to lead you astray. It is not in the program. It is not in the mind of God.”	BYU Idaho, January 13, 2004, and then published in the 09/07 <i>Ensign</i> .	David E. Sorenson, Member of the Seventy	https://www.churchofjesuschrist.org/study/ensign/2007/09/priesthood-agency-and-black-powder?lang=eng
2005	“The President of the Church will not lead the people of the Church astray. It will never happen.”	“ <i>Called and Chosen</i> ,” 10/05 <i>General Conference</i>	James E. Faust, 2 nd Counselor in First Presidency	https://www.churchofjesuschrist.org/study/general-conference/2005/10/called-and-chosen?lang=eng
2007	Chapter 27: “Beware the Bitter Fruits of Apostasy.” From the Lie of Joseph Smith: “If we follow the prophets and apostles and the revelations of the Church, we will not be led astray.” “William G. Nelson reported: I have heard the Prophet speak in public on many occasions. In one meeting I heard him say: ‘I will give you a key that will never rust,— if you will stay with the majority of the Twelve Apostles, and the records of the Church, you will never be led astray. ’ The history of the Church has proven this to be true.”	Sunday School Manual Published by TCOJCOLD S © IRI, 2007, p. 324-325.	<i>Teachings of the Prophets: Joseph Smith</i>	https://www.churchofjesuschrist.org/study/manual/teachings-joseph-smith/chapter-27?lang=eng
2014	“Fourth: The prophet will never lead the Church astray.”	<i>Lesson twenty-nine D & C, 21 Intro.</i>	Quoting Pres. Ezra Taft Benson	https://www.churchofjesuschrist.org/study/manual/doctrine-and-covenants-and-church-history-seminary-teacher-manual-2014/section-01/lesson-29?lang=eng
2014	“Stay in the Boat and Hold On!” “Recently, I spoke at the new mission presidents’ seminar and counseled these leaders: “Keep the eyes of the mission on the	Delivered at Oct. 2014	M Russell Ballard, Q12	https://www.churchofjesuschrist.org/study/general-conference/2014/10

	leaders of the Church. ... We will not and ... cannot lead [you] astray.”	General Conference		/stay-in-the-boat-and-hold-on?lang=eng
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145. Additionally, or in the alternative, the case is based on COP representations that tithing is used for church [reasonably interpreted as religious] purposes, when excess tithing has been used for commercial investment, acquisition, and development purposes for decades.

146. These misrepresentations and material omissions about Mormon history and the source of Mormon/LDS scripture, Smith’s criminal and civil fraud history, and misrepresentations and omissions regarding the use of tithing, constitute a scheme to defraud perpetrated by COP for generations upon unwitting lay LDS members, as well as potential converts, in particular those who whether due to their youth or potential convert status, had yet to fully commit to the Church.

147. Over the past approximately fifty years, representations of Smith translating directly from gold plates have been used in hundreds of publications and displayed in thousands of COP-owned edifices and in individual stake and ward/branch buildings at COP’s direction. Upon information and belief, during this period, and up until December 2017, COP has never commissioned let alone used artwork depicting Smith creating the Book of Mormon manuscript while peering at the brown stone in a hat—the same stone he admittedly used when treasure hunting, for which Neeley’s docket indicates he was convicted in 1826. ([Exhibit No. 2](#))

148. In 2015, BYU assistant history professor and artist Arthur Sweat documented all of the paintings of the translation of the Book of Mormon that have ever been published in the Church’s *Ensign* magazine since its inception in 1971 through March 2014. Fifty-five times over that forty-three-year period, seventeen different images were used. Del Parson’s *Joseph Smith Translating the Book of Mormon* (also printed in the *Gospel Art Kit* and *Preach My Gospel*), was used fourteen times since January of 1997. Sweat notes that: “All uses are inconsistent with

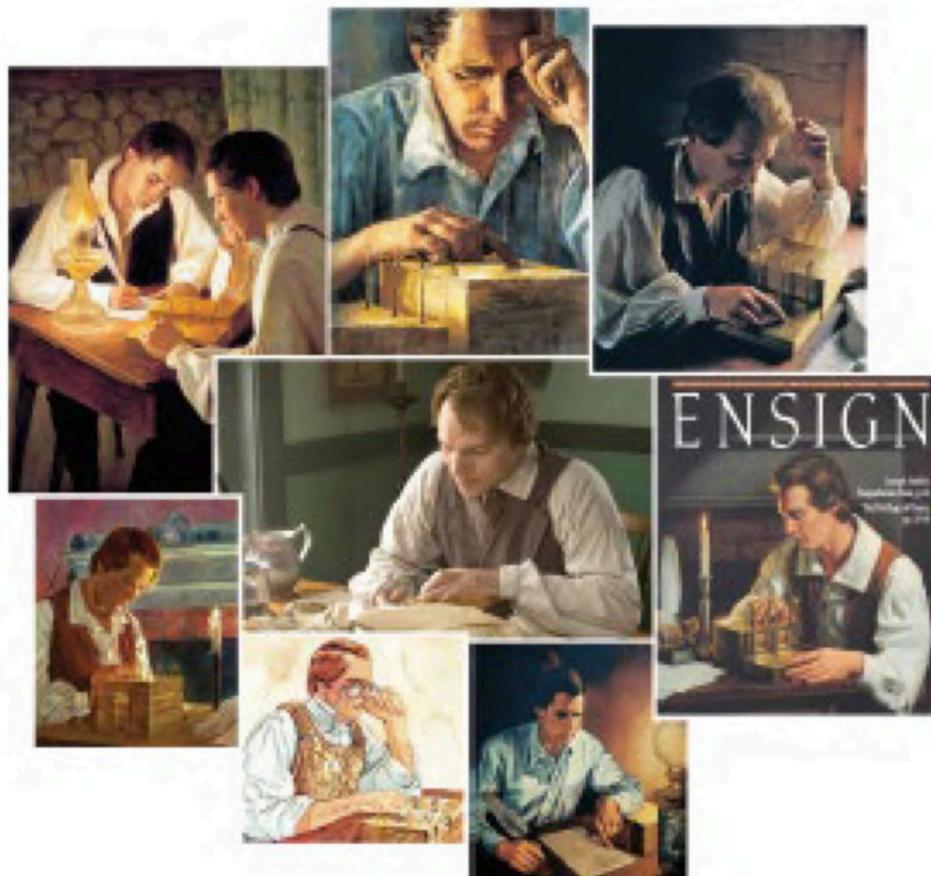
documented Church history of the translation process.” In *each* of the seventeen *Ensign* images, Joseph Smith is shown looking into *open* plates (not closed or wrapped or absent plates). In eleven of the images Joseph Smith has his finger on the open plates, as though he is translating individual characters through intellectual interpretive effort and not through revelatory means through the Urim and Thummim, and that U&T was spectacles attached to a breastplate, not a stone. Only one painting in the forty-three years depicts Smith using a Urim and Thummim; this image was used only twice (once in November of 1988 and once in February of 1989).³⁴

149. Smith originally allegedly translated 116 pages from the gold plates using the spectacles attached to the breastplate (U&T) but after his original scribe Martin Harris took the original pages to show his wife, she either destroyed them, or they were lost. Between the loss of the 116 pages in summer of 1828 and the rapid completion of the Book of Mormon in spring of 1829, Smith did not dictate or proceed with the “translation,” According to Richard Bushman during this period of quiescence it was as if Smith were waiting “for help or direction.” In April 1829, Smith was joined by Oliver Cowdery a literate school teacher and distant relation who replaced Harris as scribe. The pace of the transcription then increased so dramatically that, within two months, the entire manuscript was completed (the 116 lost or destroyed pages was never re-created).

150. The interpreters—spectacles attached to breastplate (U&T) were not used after the 116 pages were lost. Thus, all eyewitnesses write or say that the Book of Mormon manuscript that was eventually published was created by Smith dictating from a brown stone in the hat, gold

³⁴ Anthony Sweat, “The Role of Art in Teaching Latter-day Saint History and Doctrine,” *Religious Educator* 16, no. 3 (October 2015): pp. 40–57.

**151. Montage of Representative Examples COP Commissioned Artwork Depicting Smith
Translating Directly from Gold Plates used from 1971-to Present.**



152. However, from the time of settlement in Utah and the Mormon corridor (southern California, Arizona, Idaho, and Nevada), the Brethren have had custody and control of the

153. The opaque brown stone was donated by Brigham Young's wife, Zina D. H. Young to the Church sometime between Brigham's death in 1877 and Zina's death in 1901. For all relevant time periods, i.e. during the lives of Plaintiffs and the potential class, COP's agents denied that it had the stone in its possession, or at the very least, failed to disclose that fact.³⁵

154. Then, on Aug. 4, 2015, it published a photograph of the stone, yet thereafter still did not mention the stone in General Conference or in Sunday School or weekly LDS Church meetings.

Below is the photograph of the brown stone taken by COP and published on August 4, 2015.

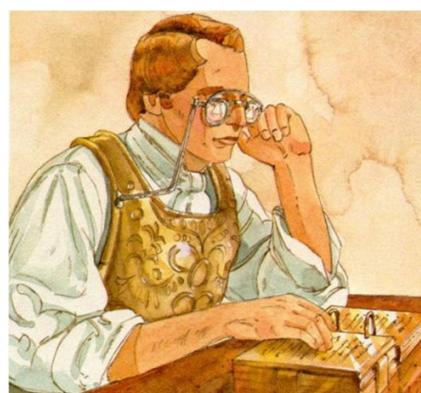


³⁵ For over a century COP has also had custody and control of Smith's white seer stone, which he found in 1819, and also used in attempts to find buried treasure. According to witnesses, Smith also used this stone to assist in his *Book of Abraham* translation.

155. For over a century COP has also had custody and control of Smith's white seer stone, that Smith apparently found in 1819, and also used in attempts to find buried treasure. According to witnesses, Smith also used this stone to assist in his *Book of Abraham* translation.

156. Upon information and belief, since the 19th Century, no Mormon or LDS president has used a stone in his role as "prophet, seer, and revelator."

In the 1835 edition of the Doctrine and Covenants, revelations were modified, and Smith appropriated the Biblical term Urim and Thummim (Hebrew: light and perfection) to give authenticity to the book. In correlated LDS history, the Urim and Thummim has always been described as spectacles attached to a breast plate, ostensibly found with the gold plates, where the spectacles are the Urim and Thummim. Below is COP commissioned art depicting Smith translating via the spectacles attached to the breastplate.



Unknown artist, commissioned by COP on unknown date. Smith using spectacles attached to a breastplate to translate the lost 116 pages of the Book of Mormon from gold plates.

158. In 2015 two BYU history and doctrine professors Michael Hubbard MacKay and Gerrit J. Dirkmaat, publish the book *From Darkness unto Light: Joseph Smith's Translation and*

Publication of the Book of Mormon (Provo, UT: Religious Studies Center; Salt Lake City: Deseret Book, 2015). Their consensus is that Smith dictated the Book of Mormon while the brown stone revealed and photographed for the first time in 2015, was placed in his hat.

159. Sometime in May 2020, LDS President Russel M. Nelson reenacts the process used by Smith in creating the *Book of Mormon*. Nelson describes the process as what is **known**. He admits that the gold plates were “usually covered,” on a table during the process. In the video he conflates the use of a urim and thummim with a seer stone, but in Mormon history they are two different things.

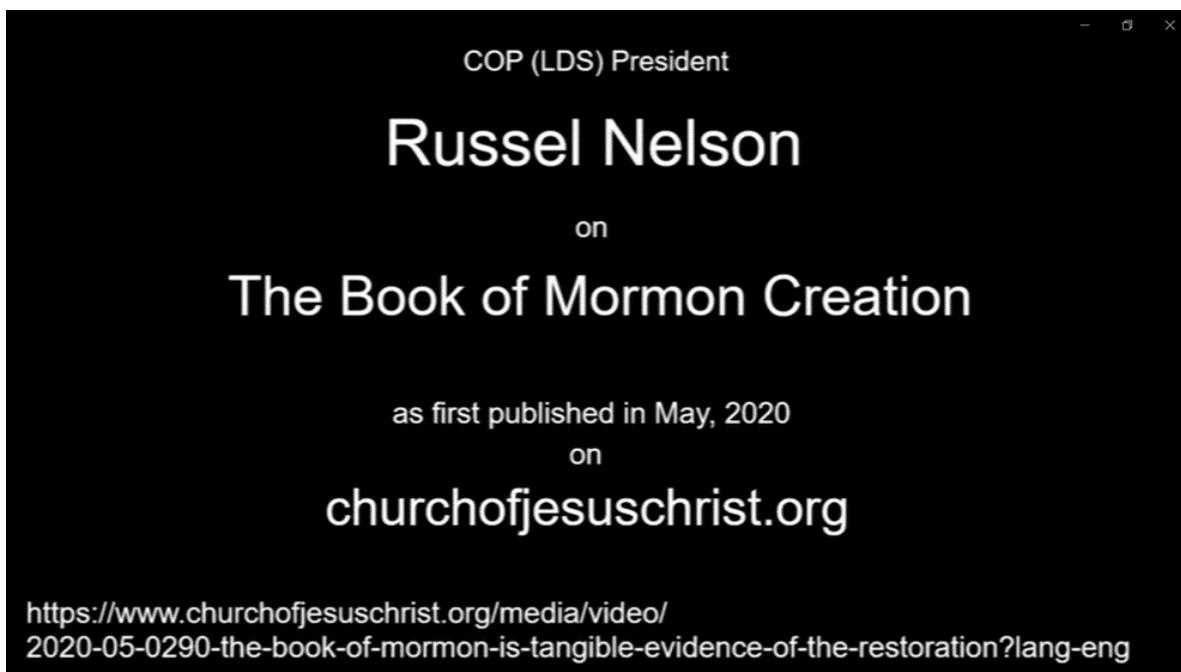
160. None of the historical accounts mention a translation with open gold plates in Smith’s view. Emma claims they were on the table but covered with a cloth. “[S]ome accounts suggest that the plates were sometimes kept in a nearby box under the bed or even hidden in the Whitmers’ barn during translation.”³⁶

161. While Smith’s U&T has historically been described as spectacles attached to a breast plate, the seer stone is an opaque brown stone that Smith found in a neighbor’s well and had previously been used to attempt to locate buried treasure. President Nelson demonstrates the process as one where Smith peers into a hat which contains the U&T/seer stone(s), while the plates were on the table “usually covered.” President Nelson’s demonstration is the first ever by COP to depict Smith’s known use of [the brown] stone(s) buried in a hat to create the *Book of Mormon*.³⁷

³⁶ John Hilton III, Author, Editor, et.al. *The Coming Forth of the Book of Mormon*: The 44th Annual BYU Sidney B. Sperry Symposium. Deseret Book Co. (January 1, 2015).

³⁷ “All About Mormons,” is the 12th episode of the seventh season of the American animated television series South Park, and the 108th overall episode of the series. It was originally broadcast on Comedy Central in the United States on November 19, 2003. It depicts Smith’s process creating the *Book of*

162. Set forth immediately below are key screen shots and verbatim dialogue from the video produced by COP featuring President Nelson first published on an unknown day in May of 2020:



Mormon with both gold plates and a seer stone placed in a hat--Smith looking inside. However, there is no claim by either COP or any eyewitness to the process, including Smith, that he placed the plates and seer stone on top of the plates, in a hat.







163. The Book of Mormon Essay admits that:

The other instrument, which Joseph Smith discovered in the ground years before he retrieved the gold plates, was a small oval stone, or “seer stone.” As a young man during the 1820s, Joseph Smith, like others in his day, used a seer stone to look for lost objects and buried treasure. As Joseph grew to understand his prophetic calling, he learned that he could use this stone for the higher purpose of translating scripture...Most of the accounts [all eyewitness accounts] speak of Joseph’s use of the interpreters or the seer stone.”³⁸ ([Large photo of stone, above at ¶154.](#))



³⁸ “Book of Mormon Translation,” Gospel Topics Essays (2016). (Last viewed July 28, 2019.) <https://www.churchofjesuschrist.org/study/history/topics/book-of-mormon-translation?lang=eng>

164. Professor Sweat created artwork circa 2014 that, upon information and belief, has yet to appear in any Church correlated publications except for one published in the 2015 *Religious Educator* to which CES employees subscribe and another published in 2017 in BYU's *Daily Universe* newspaper.³⁹ Prior to those times never had COP depicted "translation" like below.



165. At all relevant times, COP has concealed eyewitness accounts of Smith's creation of the *Book of Mormon* that tell of Smith using the seer stone, not a breast plate with spectacles. No correlated accounts tell of him translating directly from gold plates as depicted in all the artwork from 1971 through November 2017, with the exception of the spectacles affixed to a breastplate depiction, used twice in the *Ensign* magazine. And even that shows Smith looking through translucent spectacles at open, visible gold plates, not with his head buried in a hat, to translate.

166. Besides the brown and white stones, primary source journals and other documents brought by the pioneers across the plains to Deseret Territory that give first-hand accounts of important Mormon history have been secreted in the vault or Church archives since that time.

³⁹ See FN 39, above, re: Sweat article, in *Religious Educator*, *supra.*, & Kelsey Johnson, BYU *Daily Universe*, "Education Week: Artwork influences how members learn the gospel," Aug. 21, 2017

167. Exhibit No. 7 to the complaint is a compilation of specific representations of direct translation from gold plates for the half century spanning decades 1970 through 2020, inclusive. This list is not exhaustive, but it does include the following correlated publications: all *Ensign* magazines published during that time, *Preach My Gospel* (urged to be used by other than full time missionaries under the “Every member a missionary” catch phrase) published in 2004 and the *Gospel Art Book* published in 2009 to be used by local ward teachers, as well as various other instructional manuals for Sunday school, missionaries, CES students and screen shots from films. The table that is Ex. 7 to this 2AC depicts how consistently COP commissioned and promulgated art showing Smith translating directly from gold plates, but it is not all instances of that depiction. (See Table of Gold Translation Artwork, filed with this complaint as [Exhibit 7.](#))

168. In 1970, some of Defendant’s secret archives were opened for the first time. In 1972, Leonard J. Arrington was appointed Church historian. Arrington wanted to write an accurate account of Church history. A comprehensive history of the Church was expected to have been published in 1980 under Mr. Arrington, for which sixteen scholars had been hired to write various parts. In 1981 Arrington began the task. However, his desire was thwarted, and writing projects quashed by the Brethren. Shortly thereafter, Arrington was removed as historian and a severely restricted access rule for scholars, including temple-worthy LDS Church scholars, was instituted.

169. The comprehensive history was delayed until 1992, when the *Encyclopedia of Mormonism* was published. After publication, esteemed University of Utah Philosophy Professor Sterling McMurrin, who served as U.S. Commissioner of Education under President John F. Kennedy, wrote: “[T]he work is a carefully sanitized partisan affair that, while having many

strengths, is quite uneven in quality and, though it appears to face many difficult issues head on, clearly omits, distorts, and compromises wherever necessary to advance and protect a positive image of Mormons, Mormonism and the Church.”⁴⁰

170. Arrington lamented the suppression and lack of access to “real” church history by the Brethren-directed Correlation. Arrington biographers and his private journals, which he kept from 1972-1997, note how all writing had to be submitted to Correlation for their approval. He wrote that the Church was in possession of all diaries of leading Mormons yet would not allow them to be used or qualified historians to view them. He lamented the conflation of verifiable history with doctrine and missionary work. He wrote that some leaders did not want accurate history published. Listing prior LDS presidents and members of the Quorum of the Twelve, he wrote that LDS Presidents Ezra T. Benson, Thomas Monson, Gordon Hinckley, and Apostle Boyd Packer, made the ultimate decision about correlated materials and that there were subjects that the editors in the Church history department were not allowed to broach.

171. For example, the Journals of William Clayton, personal scribe to Joseph Smith, during the last two years of his life, have been published throughout the 20th Century, but the years 1843 and 1844, the years in Nauvoo when he was Smith’s scribe, have been omitted.

172. By the mid-1880s the First Presidency had custody and control of Clayton’s journals. Nobody but the Brethren were allowed access to them. In 2010 as part of the *JSP* project the

⁴⁰ McMurrin, Sterling M (1993), "'Toward Intellectual Anarchy,' review of Encyclopedia of Mormonism", *Dialogue: A Journal of Mormon Thought*, 26 (2), archived from the original on 2014-02-21, retrieved 2014-02-03. https://en.wikipedia.org/wiki/Encyclopedia_of_Mormonism#cite_note-2 Viewed August 7, 2021.

Church history library received the Nauvoo era minutes portion of the journals. Upon information and belief, *JSP* versions of the journals do not include all of Clayton's entries.

173. From the 1960s a cohort of Mormon intellectuals searched for and discussed Mormon history. Independent publications such as *Dialogue* and *Sunstone* were written by liberal Mormons and denigrated by the Brethren, who admonished faithful LDS members not to attend symposia where such things were discussed. LDS followers were taught that: "When the prophet speaks, the debate is over," and that "It's wrong to criticize leaders of the Church, even if the criticism is true." They were directed to read only from Church-approved sources, which did not include independently published journals. Meanwhile, COP continued to promise the Brethren would never lead members astray and to teach that Smith's revelations were "without error."

174. Since at least 1981, the three-fold mission of the Church as broadcast in Conference talks and written rhetoric has been to: proclaim the gospel, perfect the Saints, and redeem the dead. In or about 2009 a fourth mission was added: to care for the poor and needy. These are alternately labeled the purposes of the Church in the Official LDS Handbook published in 2010, section 2.2.

175. With the publication and rise of websites challenging its correlated history, LDS membership increase began to slow. In 2013, a non-commissioned survey is presented to the Brethren. The survey is a compilation of responses from approximately 3,000 Mormons who had become disaffected from the COJCOLDs. The *LDS Personal Faith Crisis* report ("LDSPFCR") consensus response was that the Church had lied to them about its history. The report was not released to the public by its authors until about 2018, and then it was difficult to find. ([Ex. No. 1](#))

176. Well after COP was presented with the *LDSPFCR*, it published the first essay on November 20, 2013, in a series of essays on its website: LDS.org., that, taken together,

eventually admitted many of its prior and ongoing misrepresentations about Church history that its leaders did not sincerely believe. The essays were not easily accessible, were not announced in biannual General Conference or in Sunday ward meetings. Publication of a new essay occurred every few months up through at least January of 2019 (and is believed to be ongoing). The essays were intentionally concealed on Defendant's official website and unannounced to its lay members (and only belatedly to its local leaders) about Mormonism's history, the character and activities of its founder, Joseph Smith. (See ¶180, Historian Snow's statement, below.)

177. A letter sent to local Church leaders almost two years after the essays began to appear advised those leaders of the existence of the essays (few leaders had known of them before that), and that they had permission from the Brethren to refer to the essays if ward members had questions on historical issues, with no instruction to announce them in Sunday meetings.

178. Even later, the website finally noted that the essays had been approved by the Brethren. Prior to that time, some Mormon faithful who had stumbled upon them believed they were written by Anti-Mormons who hacked LDS.org, the prior official website of the Church.⁴¹ Defendant consciously concealed the very existence of the essays. To this day, it has yet to announce them in General Conference or, upon information and belief, direct local leaders to do so in Sunday meetings.

179. Steven Snow, attorney, and official COP historian from 2012 until 2019, admitted that the internet had forced the Church to become more transparent with their history and that the

⁴¹ In 2019 COP began transferring all data from its official website, www.LDS.org to a newly purchased domain, which is now its official website: www.churchofjesuschrist.org.

essays were released slowly without fanfare [no announcement in Conference or ward meetings] in order to “inoculate” LDS members. The transcript of the audio circa 2016, is set forth below.

180.

**TRANSCRIPT OF AUDIO by LDS HISTORIAN STEVEN SNOW SPEAKING TO CES
EMPLOYEES on unknown date re: COP'S DELIBERATE
CONCEALMENT OF LDS GOSPEL ESSAYS**

<https://www.mormonstories.org/podcast/elder-steven-e-snow-lds-gospel-topics-essays-not-advertisex/> (viewed January 4, 2019.) Audio link to Snow's statement is here: <https://clyp.it/gq0cdhf1#>.

Transcript of audio:

...We are in the process of letting leaders, stake presidents and bishops know about them [the essays] so they can be a resource in the event that some of their members are having questions or challenges about those issues. “Book of Abraham” essay was just released in July, that’s the most recent of the nine essays that have been published on-line. I think it’d be helpful to know how we chose to roll those out. It was a soft roll out. There wasn’t an announcement saying, “You can go to this website to learn everything weird about the Mormon church you ever wanted to learn.” (Laughter from the audience) But yet we had a lot of people struggling with some of these issues. We were losing [sic] young people particularly. And we felt we owed a safe place for people to go to get these answered. So, they were deliberately kind of placed in an existing database, so they wouldn’t You know, 90% of the church probably couldn’t care less, they don’t worry about such things. But we do have some folks who are on-line and we felt like they needed a safe place to go to get answers if they had questions. So I don’t think you are gonna [sic] see a well publicised [sic] campaign to tell you to go to these sites. But we just, you know, the people that are interested seem to kind of pass the word amongst themselves. And the only other thing is that leaders now will have access to them. And I think the long-probably the greatest long-term benefit will be: These are answers that have been vetted by the, reviewed by the Quorum of the Twelve and the First Presidency and they have signed off on these answers.

And now curriculum and seminaries and institute can safely weave these essays into a future curriculum to in a sense “inoculate” is a word I use quite a bit for the rising generation. So, they can learn a little bit about these things without being totally shocked when they hear them for the first time. Does that make sense? (“yeah” from someone in the audience) Yeah, OK. So, don’t expect a big campaign. I think there’s been a lot of interest within maybe a small percentage of

church members but my view is most of the church really is not troubled, members are not troubled by these.” [Emphasis Added].

181. Even now, many devout LDS followers are unaware of the essays’ existence, let alone the issues addressed in the essays and to this day are shocked when the Church history they had been taught their entire lives, which versions many of them had taught to others in the mission field, is discovered to be radically different from what is admitted in the essays.

182. LDS members had been taught that Smith claimed two personages: God the Father and his Son, Jesus Christ, had appeared to him and told him that all other “creeds” were false.

183. Correlated materials taught that Smith translated the *Book of Mormon* manuscript directly from writing inscribed on gold plates, at times wearing spectacles attached to a breastplate.

184. LDS had also been taught that the Hebrew prophet Abraham wrote the *Book of Abraham*, canonized LDS scripture, inscribing the Egyptian papyrus with his own hand. ([Preface ¶37.](#))

185. According to Smith, figures depicted in the three facsimiles included within the *Book of Abraham* depicted Abraham interacting with Egyptian humans. The *Book of Abraham* revealed key cosmology and an explanation for a link between skin color and righteousness. The essay on the subject has recently admitted that these representations are not correct. For over 100 years, Egyptologists have labeled Smith’s translation of the papyri a fraud. ([Ex. No. 3](#), NYT article.)

VII. ALLEGATIONS OF SPECIFIC MISREPRESENTATIONS AND INTENT TO DECEIVE APPLICABLE TO NAMED PLAINTIFFS & ALL POTENTIAL CLASS

MEMBERS

186. The following are specific examples of COP’s misrepresentations, including facts about tithing use and communications in both text and artwork representing events that the Brethren do not believe and/or misrepresentations with material omissions.

187. Upon information and belief, there are many more which have occurred since 1923 and are still occurring. For all purposes, the following tell an incomplete or misleading story and are rhetoric that COP's leaders do not believe because they have had stones, artifacts, original manuscripts, documents, and other important information intentionally concealed in their archives from which a reasonable person would infer a narrative of LDS history radically different from that promulgated by Correlation over the past half century or more.

188. COP Concealed Documents that Suggest Smith did not Believe his Own Story:

- a. From an 1833 affidavit by Peter Ingersoll, regarding how Smith conned his family into believing that a load of white sand wrapped in his frock was the rumored Canadian gold plates. Ingersoll wrote: As "Now," said Jo, 'I have got the damned fools fixed, and will carry out the fun.' Notwithstanding, he told me he had no such book, and believed there never was any such book...** The original affidavit is believed to be in Defendant's custody and has been for over 100 years.
- b. From Joseph Smith's journal, June 30, 1843, p. 288, as recorded by Willard Richards, Smith's scribe: "[Esquire] Walker was introduced [to the congregation, which Joseph said,] as a body of people, [were] the greatest dupes that ever were or he is not as big a rogue...as he is supposed to be..." Smith's journal is in Defendant's custody and has been for over one hundred years.

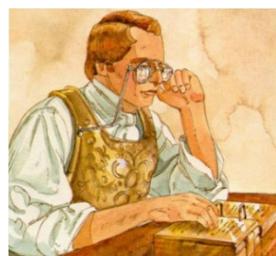
189. 1842. Smith Claims Translation of B. of M. via Spectacles Affixed to a Breastplate

Over a decade after the work was finished, in an *ex post facto* attempt to give the Book of Mormon credibility, Smith writes a letter to Chicago newspaper editor John Wentworth, in response to Wentworth's inquiry re Mormon beliefs:

With the records [gold plates] was found a curious instrument, which the ancients called "Urim and Thummim, "which consisted of two transparent stones set in the rim of a bow fastened to a breast plate. Through the medium of the Urim and Thummim I translated the record by the gift and power of God.

Upon information and belief, this is the first time this device is described and purported to have been used as a U&T method to translate the Book of Mormon from gold plates. That letter, later known as the Wentworth Letter, was published in the March 1, 1842, issue of the Church periodical Times and Seasons.

190. Upon information and belief, COP commissioned the painting below to illustrate what is described above and it was used just twice. However, there are no eyewitness, other than what Smith ostensibly reported to Wentworth more than a decade after the process was complete, about the spectacles attached to a breastplate manner of translation. Except for the 116 pages transcribed by Martin Harris, all eyewitnesses to the translation of what became the original complete *Book of Mormon* claim Smith used a small brown stone which he placed in the bottom of a hat in the manner that LDS President Nelson revealed and demonstrated in 2020.



191. Since the 20th Century, COP has Concealed the Fact that They Possess Primary Source Documents by Eyewitnesses to the *Book of Mormon* Creation Process that Contradict the Traditional Narrative. With the exception of brief excerpts from eyewitness in two 1990s *Ensign* articles containing misleading pictures of the translation as directly from gold plates, no stone in sight, and no reference to the description of the stone as brown or opaque, conflating it with the translucent stones found in the spectacles attached to a breastplate, or “divine instrumentalities,”

(see ¶¶225-226 below for details), copies, if not originals, of the following eyewitness statements and/or affidavits, have been concealed in LDS archives, and certainly not disclosed in correlated rhetoric: multiple statements of Smith's wife Emma Hale, multiple statements and an affidavit of Martin Harris, statements and/or affidavits of David Whitmer including Whitmer's "Address to all Believers," (which was mentioned once in an *Ensign* article with art contradicting Whitmer's description and instead, showing Smith translating from gold plates), Oliver Cowdery, Elizabeth Whitmer Cowdery, Joseph Knight Sr., and others, Mormon and not.

192. Various of these eyewitnesses tell that the stone used by Smith was a chocolate-colored or dark stone, about the size of a hen's egg which fits the description of the stone revealed for the first time by Defendant in August 2015. Smith and his brother Alvin discovered the stone while employed to dig a well by their neighbor Willard Chase. Smith took possession of the stone and though Chase demanded its return, he refused. From 1822 through 1826, the year before he retrieved the gold plates, Smith used the stone in his attempts to locate buried treasure for a fee.

193. 1877-1901 Mormon Leadership Obtains Custody of Smith's Brown Seer Stone.

The brown stone used to create the *Book of Mormon* has been in Defendant's custody since after Brigham Young died in 1877, but before Zina D.H. (one of Young's wives) died in 1901.⁴² This statement was made along with the photo of the "never-before-seen" brown seer stone in August of 2015 (but COP did not announce either the fact they had had custody of the stone for over one

⁴² This statement was made along with the photo of the "never-before-seen" brown seer stone in August of 2015 (but COP did not announce either the fact they had had custody of the stone for over one hundred years or release a photograph of it in General Conference or in Sunday or other general membership meetings).

hundred years or release a photograph of it in General Conference or in Sunday or other general membership meetings).

194. COP conceals Smith's original Book of Abraham and Egyptian Grammar and Alphabet Manuscripts.

These documents have been in Defendant's possession since 1858. They are important because in the left margins are Egyptian characters, lined up with an English translation. BYU scholars James Clark and Sidney Sperry convinced the assistant LDS Church historian for viewing access in 1933. In 1966 a microfilm copy was leaked to the Tanners (Christian researchers considered experts on Mormon history), who compared the original documents to the papyrus that was rediscovered in 1966. Upon information and belief, Defendant did not acknowledge or release a copy of Smith's original Egyptian Grammar and Alphabet until October 29, 2018 in its *JSP* and even then it was not widely publicized.⁴³

195. In its *Book of Abraham* translation essay, Defendant recently admitted:

*None of the characters on the papyrus fragments mentioned Abraham's name or any of the events recorded in the book of Abraham. Mormon and non-Mormon Egyptologists agree that the characters on the fragments do not match the translation given in the book of Abraham... Scholars have identified the papyrus fragments as parts of standard funerary texts that were deposited with mummified bodies. These fragments date to between the third century B.C.E. and the first century C.E., long after Abraham lived.*⁴⁴

⁴³ Joseph Smith Papers, Revelations and Translations, V. 4: Book of Abraham and Related Manuscripts Hardcover – October 29, 2018. (See [Exhibit No. 4](#) to this Complaint, full copy of Smith's Egyptian Grammar and Alphabet manuscript, filed herewith.)

⁴⁴ LDS Church Essay, “*Translation and Historicity of the Book of Abraham*” [Emphasis added.] <https://www.lds.org/topics/translation-and-historicity-of-the-book-of-abraham> (Viewed Dec. 12, 2019)

196. 2018, COP's JSP Releases Documentation & Commentary re: Smith's 1826 Bainbridge New York Fraud Trial. For all relevant times periods COP has denied that Smith was found guilty of criminal charges for attempting to find treasure through his peep stone. Fawn Brodie had first referenced the case in her 1945 biography of Smith, *No Man Knows my History*. Subsequently, COP denied the authenticity of the document finding Smith guilty. With reference to Judge Neely's guilty pronouncement: "This record could not possibly have been made at the time as the case proceeded. It is patently *a fabrication* of unknown authorship and never in the court records at all." (*Deseret News*, Church Section, May 11, 1946, as quoted in *A New Witness For Christ in America*, by Francis W. Kirkham, Salt Lake City, 1959, Vol. 2, pp. 430-431). Thereafter, upon information and belief, and for all relevant times until late 2018, COP never mentioned in its correlated materials that Smith was even charged with such a crime.

197. In late 2018 COP's *JSP* online releases the docket entry where the trial judge found Smith guilty and writes: "[t]he published docket entry indicates that Neely found JS guilty." ⁴⁵

198. The *JSP* 1826 trial commentary was published only online in 2018, and according to the *JSP* website, no corresponding hard volume is anticipated.⁴⁶ In the online commentary COP agent writers analyze the statute under which Smith was charged and concede that it covers what is today considered modern day fraud:

[JS's [Smith's] arrest on charges of being a disorderly person came while he was still living with Stowell. New York's disorderly persons statute, combined with an 1825 justice of the peace manual, provides a general overview of how trials before

⁴⁵ *JSP* Docket entry is Exhibit No. 5 to this complaint, filed herewith. "Appendix: Docket Entry, 20 March 1826 [People v. JS]," p. [1], *The Joseph Smith Papers*, accessed March 5, 2021, <https://www.josephsmithpapers.org/paper-summary/appendix-docket-entry-20-march-1826-people-v-js/1#full-transcript> (last viewed Feb. 11, 2021).

⁴⁶ <https://www.josephsmithpapers.org/paper-summary/introduction-to-people-v-js/1#full-transcript> (Last viewed Feb. 11, 2021).

justices of the peace in such cases were to proceed. The law identified ten categories of offenders, including “all persons pretending . . . to discover where lost goods may be found,” the provision under which JS [Smith] was most likely prosecuted. The use of the word “pretending” in the act reflected Enlightenment-era legal assumptions that the use of seer stones was categorically deceptive and fraudulent...⁴⁷

199. Because there is no subsequent entry of sentencing in the county records, it is hypothesized that due to Smith’s young age of twenty, he was not sentenced, but “took leg bail” a practice whereby young convicts escaped the Court’s jurisdiction before sentencing.

200. For all times relevant to this case, i.e., from the date that Correlation was created through the 2018 *JSP* disclosure, COP concealed disclosure of the “guilty” documentation; and, upon information and belief had also avoided any reference to the 1826 Bainbridge fraud trial in any and all correlated instructional and missionary manuals.

201. 1956. LDS President Joseph Fielding Smith Openly Denies the Seer Stone Translation. While concealing the brown stone in his office safe, Tenth president of the COJCOLDS, Joseph Fielding Smith declares: “...there is no authentic statement in the history of the Church which states that the use of such a stone was made in that [referring to the *Book of Mormon*] translation. The information is all hearsay, and personally, I do not believe that this stone was used for this purpose.” However, at the time this statement was made, the stone was secured and concealed in Joseph Fielding Smith’s private office vault. And, upon information and belief, COP had by that time acquired copies if not originals of multiple authentic eyewitness accounts of the process that referenced use of the brown stone in a hat.

202. 1956. Apostle Bruce R. McConkie’s Popular Book Denies Seer Stone use in Translation. In 1956, LDS Apostle Bruce R. McConkie compiler, publishes his *Doctrines of Salvation*:

⁴⁷ *Id.*

Sermons and Writings of Joseph Fielding Smith, 3 vols. It is published by COP and is still sold at Deseret Book Store, on Amazon.com and in many other places. In Vol. 3, pps 225–26 of that First Edition (p. 588 of the three volume, 691 page .pdf) McConkie writes, placing the statement: “SEER STONE NOT USED IN BOOK OF MORMON TRANSLATION” in capitalized letters and then quoting Fielding Smith, in pertinent part:

SEER STONE NOT USED IN BOOK OF MORMON TRANSLATION

...We have no record of the Prophet having the Urim and Thummim after the organization of the Church. Statements of translations by the Urim and Thummim after that date are evidently errors....The statement has been made that the Urim and Thummim was on the altar in the Manti Temple when that building was dedicated. The Urim and Thummim so spoken of, however, was the seer stone which was in the possession of the Prophet Joseph Smith in early days. This seer stone is now in the possession of the Church. 225. 47

While the statement has been made by some writers that the Prophet Joseph Smith used a seer sone part of the time in his translating of the records, and information points to the fact that he did have in his possession such a stone, etc. there is no authentic statement in the history of the Church which states that the use of such a stone was used in that translation. The information is all hearsay and personally, I do not believe that this stone was used for this purpose....⁴⁸

203. In the *Doctrines of Salvation* a “peep stone” used by a witness to the Book of Mormon is discounted as evil. The text reads: “Hiram Page, one of the witnesses of the Book of Mormon, secured a "peep stone" by means of which he claimed to receive revelation for the Church...The Prophet Joseph Smith had some difficulty in correcting this evil and composing the minds of the members of the Church.”⁴⁹

⁴⁸ Bruce R. McConkie, *Doctrines of Salvation. Sermons and Writings of Joseph Fielding Smith* ©1954-1958 SLC: Bookcraft. (Original publisher that was acquired in 1999 by DMC for Deseret Book.) Upon information and belief, though published by Bookcraft, it was also sold by Deseret Book prior to acquisition. It remains for sale at Deseret Book as of August 20, 2021.

⁴⁹ Id. p. 500.

204. Misrepresentations that COJOLDS has no paid Clergy.

For the last several decades Defendant has represented that the church has no paid clergy.

The following dialogue appears in an online, if not tangible form manual for LDS members that is still viewable today: “Did they also tell you that we have no professional clergy? All of us contribute our time, our talents, our means, and travel—all to help the work. And we’re not paid for it in money.” ‘They didn’t tell us any of that,’ said the father.”⁵⁰ This source appeared in response to a “paid clergy” search on the lds.org website redirected to the churchofjesuschrist.org website on February 6, 2021, thereby continuing to mislead those inquiring members and potential members who want to know the truth.

205. LDS Brethren and General Authorities are paid at least a six figure annual salary.

However, LDS general authorities are paid six figures annually, payment issued from the COP. This fact was made public in 2017 documents leaked by Mormonleaks, showing apostles receive a six-figure annual stipend, including pensions when they retire as emeriti.

206. Upon information and belief, LDS corporate leaders, including members of the twelve quorums of Seventy, each receive million dollar signing bonuses upon accepting their positions. The bonus is structured in such a way that the recipients are subject to loss or repayment of the bonus should they become disaffected and leave their positions in the COJCOLDs. Thus COP makes certain that their leaders are invested in the fraudulent scheme and ensures those leaders’ lifetime commitment to it.

⁵⁰ <https://www.churchofjesuschrist.org/study/manual/duties-and-blessings-of-the-priesthood-basic-manual-for-priesthood-holders-part-b/gospel-principles-and-doctrines/lesson-30-tithes-and-offerings?lang=eng&query=%22lay+clergy%22> (last viewed Feb. 6, 2021)

207. For half a century, Temple Square Visitors Center Displays Plates but no Stone. By at least 1964, the Salt Lake Visitors Center(s)—there were two, were furnished with most of the same artifacts and paintings it used until December 29, 2019, when it was closed for refurbishing. During that time, upon information and belief, a replica of the gold plates was prominently displayed in the Visitors Center, but no stone was displayed. Additionally, in 2005 COP's history museum celebrated the 200th anniversary of founder Joseph Smith's birth by displaying artifacts of his, including a replica of gold plates, yet no stone.



*Visitors Center Replica of Gold Plates. Photo taken in December 2019
Prior to Temple Square Refurbishing.*

208. The following photograph appeared in the January 2002 *Ensign* p. 77, when Winter Olympics were being held in Salt Lake and Park City. It shows not only the plates replica, but on the wall behind it Del Parson's painting depicting Smith translating directly from the plates, no

stone or hat in sight.



209. The brown seer stone was never displayed from at least 1964 until recently. Upon information and belief, it was first displayed at the Church History Museum located adjacent to Temple Square in late 2016 or early 2017. During that time, Salt Lake City Temple Square, which included the two visitors centers, had historically attracted 3-5 million visitors a year.

210. Between 1930-1965 Fielding Smith Conceals J. Smith's Original First Vision Account.

While serving as official Church historian, Apostle and later Tenth LDS President Joseph Fielding Smith, removes founder Joseph Smith's original account of his 1820 First Vision from Smith's ledger book kept in Fielding Smith's office vault. This is the only handwritten account by Smith, dated the nearest in time to the alleged event, and the one where he noted that he saw Christ who forgave him of his sins. There is no mention in the handwritten account of Smith seeing two heavenly personages or of one telling him that all other creeds were false. The ripped out pages were taped back in later but remained undisclosed in correlated rhetoric for decades. In the April 1996 *Ensign*, COP references the 1832 original account by Smith. However, with this single exception, all other COP correlated rhetoric since 1961, including all text and artwork in

instructional and missionary manuals and thousands of pieces of replicated artwork displayed globally in LDS buildings, and provided in LDS official libraires used by local membership, describe and/or depict the correlated version of the First Vision, the version with two personages.

211. 1970s-Present Day. COP Commissions Misleading Gold Plates Translation Artwork.

Paintings of Smith translating directly from gold plates were commissioned during this time period by COP, who instructed artists to depict Smith's *Book of Mormon* creation as one where he translated directly from gold plates. (See Table of Gold Plate Translation Art Exhibit No.7 filed with this complaint.) COP also commissioned a single painting of Smith with the urim and thummim depicted as spectacles with a breastplate attached. (See ¶157.) During this time, upon information and belief, Defendant received at least one suggestion that the artwork should depict the brown seer stone and hat. That suggestion was rejected.⁵¹

212. 1978. Apostle Denies that the Church has Custody of the Seer Stone. In a conversation with Wesley P. Walters, pastor of the United Presbyterian Church in Marissa, Illinois, and Chris Vlachos in fall 1978, Presiding Bishop and Apostle LeGrand Richards denies that the Church has custody of Smith's seer stone.⁵² This conversation and Richards' denial was widely communicated among LDS members and has been available online for a number of years.

WALTERS: Well, I thought somebody said that Joseph Fielding had had Joseph Smith's seer stone.

RICHARDS: No. We don't have that.

WALTERS: You don't have that?

RICHARDS: No.

WALTERS: Oh.

⁵¹ Upon information and belief, most if not all of the artists COP commissioned were unaware of any information that would have led them to believe that Smith used a brown stone in a hat to create the *Book of Mormon*. They too had been subjected to COP's misleading propaganda and concealment of stones, artifacts, original manuscripts, documents, and information material to Mormon/LDS history.

⁵² <https://thoughtsonthingsandstuff.com/the-legrand-richards-interview/> (Viewed Jan 22, 2021)

RICHARDS: We have got some of the early writings of the Prophet Joseph and things of that kind, and testimony of when Joseph Smith performed a plural marriage for them, but – things of that kind in the Historian's office. But we have [unintelligible] church.

VLACHOS: Is the seer stone in the historical department?

RICHARDS: We don't have a seer stone. That went back with the plates when [unintelligible]

WALTERS: Oh! Okay, I hadn't heard that. I see. I thought that somebody said that it was still out there somewhere.

VLACHOS: Do you know what it looked like?

RICHARDS: What?

VLACHOS: Do you know what the stone looked like?

RICHARDS: No. I've never seen it. And I don't think there is any living man who has seen it.

213. Mid 1970s-1990s. Misleading First Vision Artwork Commissioned by COP Although most of the artwork is undated, upon information and belief, including information from a former COP employee, paintings of Smith's First Vison where he sees two personages (in contradiction to Smith's original handwritten account of that vision, which was concealed) were commissioned by COP who instructed artists to depict Smith seeing two personages as opposed to one, who was described by Smith as "the Lord," in his 1832 (earliest) and only handwritten account. Subsequent versions were not in Smith's hand and are words attributed to Smith, written by his scribes or are secondary sources.



The First Vision, COP Commissioned Artwork Used Currently
Similar Portrayals Have Been Used For Decades

<https://www.churchofjesuschrist.org/media/image/the-first-vision-fe5db8d?lang=eng> (Last viewed Feb. 22, 2021)

Painting used in various Primary Manuals, Joseph Smith—History 1:14–20, and in the *LDS Missionary Preparation Student Manual* (Religion 130) © 2005, IRI p. 73.

It is used in the missionary book, *Preach My Gospel*, p. 37

Similar art with two personages is included on average at least once per year in the *Ensign* magazine since 1971 throughout the present. The *Ensign* is the most widely circulated magazine for lay LDS, with an estimated one million subscribers at its peak. While recently COP has begun to include art that depicts only Smith' reaction and not the appearing deity or deities, upon information and belief, there is no First Vision art in *Ensign* magazines depicting the First Vision with just one personage appearing to Smith as he described in his only handwritten, authenticated and most near in time to the purported event account.

Painting by Del Parson, unknown date.

214. 1981. LDS Apostle Urges CES Teachers to Deceive LDS Students. In a 1981 speech to CES teachers given at BYU, Apostle Boyd K Packer said: “Some things that are true are not very

useful.” And “We are required to tell the truth, but we are not required to tell the whole truth.”⁵³ He continues: “Those who have carefully purged their work of any religious faith in the name of academic freedom or so-called honesty ought not expect to be accommodated in their researches or to be paid by the Church to do it.”⁵⁴

215. 1982 Defendant writes that payment of a full tithe will ensure against Burning at the Second Coming of Christ. In January, 1982, Second Counselor in the First Presidency, Marion G. Romney writes in Defendant’s magazine, that: “Now, second, the payment of tithing is worthwhile as fire insurance.” He then quotes LDS scripture: “Now it is called today until the coming of the Son of Man, and verily it is a day of sacrifice, and a day for the tithing of my people; for he that is tithed shall not be burned at his coming...”⁵⁵ This pronouncement leads to fear among the membership and an increase in tithing receipts for Defendant.

216. Circa 1984. Biography of Smith’s wife Emma Hale, by LDS Female Historians Banned. *Mormon Enigma: Emma Hale Smith*, originally published in 1984, exposes Emma Hale’s tumultuous marriage with Smith, and the horrors of her suffering during Smith’s extensive secret adulterous affairs and polygamy practice. The book accounts for Smith’s first wife’s relatively peaceful existence after leaving Mormonism and re-marrying. Banned by Deseret Book, LDS

⁵³ Boyd K. Packer, “The Mantle is Far, Far Greater Than the Intellect,” 1981, *BYU Studies*, Vol. 21, No. 3, pp. 259-271) and given in an address to religious educators at a symposium on the Doctrine and Covenants and Church history, Brigham Young University, 22 August 1981.

⁵⁴ Id., p. 12.

⁵⁵ Marion G. Romney, 2nd Counselor in the First Presidency, “The Blessings of an Honest Tithe,” *New Era*, January, 1982, quoting D&C 64:23, et. seq. Available on line at: <https://abn.churchofjesuschrist.org/study/new-era/1982/01/the-blessings-of-an-honest-tithe?lang=eng> Last Viewed September 11, 2021.

217. Apostle Dallin Oaks promises that he will do all in his power to suppress its circulation to LDS Church followers.⁵⁶ Historians such as Fawn Brodie and D. Michal Quinn have been excommunicated for writing accurate history about Smith and early Mormonism.

218. 1985 LDS Apostle Maxwell Writes that Smith's Teachings are without Error. COP

Recently Admits Book of Abraham Translation Errors. Book Remains for Sale in COP

Store. Apostle Neal A. Maxwell, writes: "There is no error in the revelations Joseph taught!"

Sermons Not Spoken, Salt Lake City: Bookcraft (June 1, 1985, p. 6).⁵⁷

Yet now, COP's Book of Abraham Essay admits that:

None of the characters on the papyrus fragments mentioned Abraham's name or any of the events recorded in the Book of Abraham. Mormon and non-Mormon Egyptologists agree that the characters on the fragments do not match the translation given in the book of Abraham... Scholars have identified the papyrus fragments as parts of standard funerary texts that were deposited with mummified bodies. These fragments date to between the third century B.C.E. and the first century C.E., long after Abraham lived.⁵⁸

⁵⁶ Oaks privately told author Linda King Newell: "My duty as a member of the Council of the Twelve is to protect what is most unique about the LDS church, namely the authority of priesthood, testimony regarding the restoration of the gospel, and the divine mission of the Savior. Everything may be sacrificed in order to maintain the integrity of those essential facts. Thus, if *Mormon Enigma* reveals information that is detrimental to the reputation of Joseph Smith, then it is necessary to try to limit its influence and that of its authors." (Speech by Linda King Newell, 1992 Sunstone Pacific Northwest Symposium, "The Biography of Emma Hale Smith".)

⁵⁷ Apostle Neal A. Maxwell, this statement of belief was originally delivered in a speech at BYU entitled *Meek and Lowly*, and subsequently published by Deseret Book, Salt Lake City: 1987, pp. 105-106. See also, *Sermons Not Spoken*, where Apostle Maxwell claims that "There is no error in the revelations Joseph taught!" Salt Lake City: Bookcraft (June 1, 1985, p. 6.). Maxwell's 1985 book, *Sermons not Spoken*, remains for sale on COP's bookstore as an Ebook: https://deseretbook.com/p/sermons-not-spoken-neal-maxwell-78554?variant_id=20038-ebook as of Feb. 21, 2021. It is also sold on Amazon.com in both hard copy and Kindle Ebook edition, and on Barnes & Noble websites: https://www.barnesandnoble.com/w/sermons-not-spoken-neal-a-maxwell/1001609861;jsessionid=318511B55CA88C0F74C4AC631A462508.prodny_store01-atgap01?ean=9781606415306

⁵⁸ "Translation and Historicity of the Book of Abraham," Gospel Topics Essays (2016). <https://www.churchofjesuschrist.org/manual/gospel-topics-essays/translation-and-historicity-of-the-book-of-abraham?lang=eng> (Last Viewed 09/10/2019).

Maxwell's 1985 book, *Sermons not Spoken*, remains for sale on COP's bookstore as an Ebook: https://deseretbook.com/p/sermons-not-spoken-neal-maxwell-78554?variant_id=20038-ebook as of Feb. 21, 2021, and is also for sale on Amazon, with a kindle version as of 2009 and on Barnes and Noble websites.

219. 1985 and 1987 LDS President Impliedly Denies Folk Magic in Smith's life. In a 1985 *Ensign* and subsequently in October General conference, Gordon B. Hinckley then LDS president, talks about folk magic in Mormon history and avoids addressing the issue directly; instead, he comments that just because it was prevalent in Smith's time does not mean he participated. "Similarly, the fact that there were superstitions among the people in the days of Joseph Smith is no evidence whatever that the Church came of such superstition."⁵⁹ These speeches were made after the Mark Hoffman Salamander letter was determined to have been forged. However, upon information and belief, COP has many documents in its archives, originals, and copies, attesting to Smith's participation in the practice of folk magic, in addition to the Jupiter talisman described in along with various stones with what Smith and other early Mormons believed to be magical properties and other artifacts used by Smith.

220. 1985 Hinckley admits GAs get living allowances, but they are not paid from tithing. "[t]he living allowances given the General Authorities, which are very modest in comparison with executive compensation in industry and the professions, come from this business income

⁵⁹ Hinckley, Gordon B., at Oct., 1987, General Conference. This is also contained in a study manual available online: <https://www.churchofjesuschrist.org/study/general-conference/1987/10/lord-increase-our-faith?lang=eng> Viewed March 4, 2021.

and not from the tithing of the people."⁶⁰ However, upon information and belief, tithing is in fact the source of these "living allowances".

221. 1988 COP Material Omissions in Correlated Guide for Missionaries published under the COJCOLDs trademark. Upon information and belief, this guide was used up until a replacement was published in or about 2004. The guide contains a scripted dialogue meant to give missionaries examples of how to engage potential converts. Plaintiff LYLE SMALL used this Missionary Guide on his mission to Finland. The Guide states in pertinent part:

Situation 2

After a discussion about the Book of Mormon as scripture which is in addition to the Bible, "Mr. Peters [potential convert] then leans back in his chair with his hands behind his head. He is doing some deep thinking. He then brings his chair forward and says, "So what you're telling me is that a fourteen-year-old boy saw God the Father and Jesus Christ and then translated the Book of Mormon from some golden plates?" Sister Franks [LDS missionary] warmly replies, "That is exactly what we are saying." [Emphasis Added].⁶¹

222. Omitted in the information provided to both young missionaries and potential converts is the recent admission by LDS President Nelson that Smith used a stone in a hat to create the *Book of Mormon*, while the gold plates were "usually covered," when Smith dictated. And that Smith himself describes the First Vision as one where he saw [only] the Lord, who forgave him of his sins. No comment that other creeds were false, and therefore no need for a restored church.

223. Upon information and belief, the above role-playing dialogue and teaching strategy remained in use until the publication of *Preach My Gospel* in 2004, when that publication replaced both the 1986 missionary scripted discussions and the 1988 Missionary Guide.

⁶⁰ Gordon B Hinckley, "Questions And Answers" *Ensign*, I5 {Dec. 1985} :50.

⁶¹ *MISSIONARY GUIDE* (Training for Missionaries) published by the COJCOLDs, ©1988, Intellectual Reserve Inc. page 94.

224. Apostle Oaks Privately Admits that even if Part of the *Book of Mormon* was Ripped off from Other Sources it is not Important. Editorial cartoonist Steve Benson met with Oaks and Maxell in the Church Office Building (“COB”) on Sept. 9, 1993 in Maxwell’s office behind closed doors. Evidence presented by Benson’s wife, Mary Ann, in a meeting with Apostles Dallin Oaks and Neal Maxwell that Solomon Spalding’s writing influenced the creator of the *Book of Mormon*, compelled Oaks to admit to the Bensons that a small part of the *Book of Mormon* may have been ripped off from other sources—but that even if that were the case, it was “not important.”

225. 1993⁶² & 1997⁶³ *Ensigns* Reference a Nondescript Stone with Obscure Misleading Art. In 1993, and 1997 Apostles Russell Nelson and Neal Maxwell, respectively, write articles for COP’s *Ensign* magazine. Each has a single reference to a stone or stones used by Smith. Neither article provides a description of the opaque brown stone which had been in the Church’s vault for approximately one hundred years by that time. Rather, the articles conflate the description of the stone with stones in spectacles “...two stones in silver bows—and these stones, fastened to a

⁶² Apostle Russell M. Nelson, “A Treasured Testament,” *Ensign*, July 1993, pp 61-65.
<https://www.churchofjesuschrist.org/study/ensign/1993/07/a-treasured-testament?lang=eng>
(viewed 02/26/2021). Note: the online version has no reference to the mart published in the hard copy.

⁶³ Apostle Neal L. Maxwell, “By the Gift and Power of God,” *Ensign*, January 1997, pps 36-41.
Misleading art is on page 38. This article was “Adapted from an address given 25 June 1992 at a seminar for new mission presidents, Missionary Training Center, Provo, Utah.”
<https://www.churchofjesuschrist.org/study/ensign/1997/01/by-the-gift-and-power-of-god?lang=eng>
Viewed Feb. 23, 2021. Note that in the online version no pictures are depicted; however, two works of art are described: *Joseph Smith Allowed to Translate Again*, by Clark Kelley Price and *Joseph Smith Translating the Book of Mormon*, by Del Parson.

breastplate, constituted what is called the Urim and Thummim.” (Nelson), or the Urim and Thummim and “divine instrumentalities,” (Maxwell).

226. Neither article contains a representation of the opaque egg-sized brown stone first photographed in 2015. Instead, artwork in both Nelson and Maxwell’s articles depict Smith translating directly from open gold plates, no stone, in sight. There is no mention that the gold plates were not directly used, as demonstrated by current LDS President Russell Nelson in May of 2020. Nor does the artwork depict a hat. Below is the photo placed in the middle of the 1993 *Ensign* article, p. 62, showing open plates, no hat, or brown stone, by a then unattributed artist who was identified in the Oct. 2015 *Ensign* as Earl Jones.

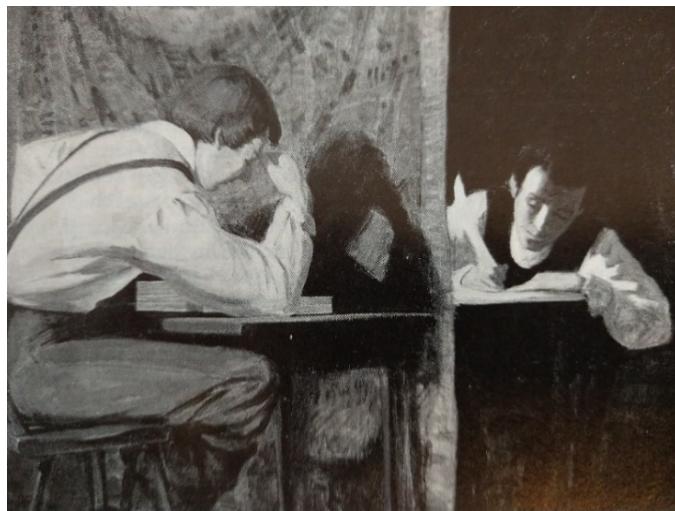
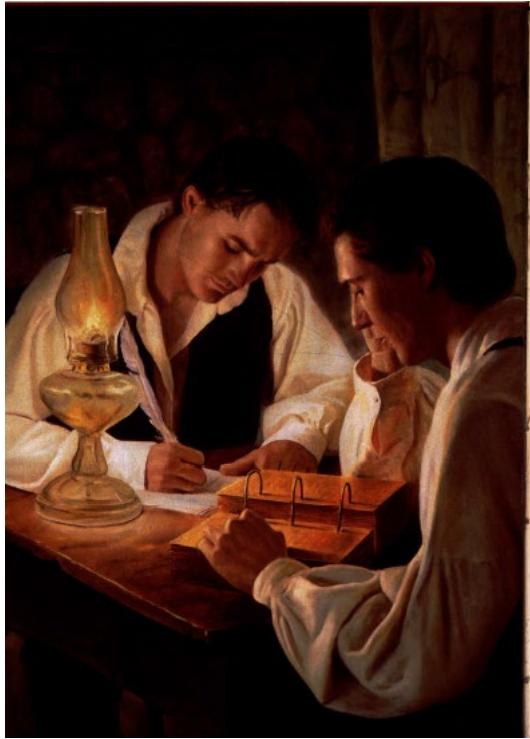


Photo of obscure art used in Nelson’s 1993 *Ensign* article, p. 62 by an unattributed artist.



Joseph Smith Translating the Book of Mormon, by Del Parson, circa 1996
Photo used in Apostle Neal Maxwell's 1997 *Ensign* article, pps. 36-41; art p.38

227. The majority of LDS members have always believed that Smith translated directly from gold plates. Based on anecdotal experience, for all relevant times, whenever the question of the U&T was raised in relation to translation it was always described as spectacles attached to a breastplate. Based on widespread anecdotal evidence, on the very few occasions that a seer stone was asked about in LDS meetings, the question was shut down and labeled as Anti-Mormon lies, or the local LDS teacher said that it had been confused with the spectacles and breast plate.

228. 1993. Apostle Oaks Denies a Doctrine of 'Lying for the Lord,' September 1993, two months after Nelson's article with the misleading artwork is published in the *Ensign*, Oaks claims: "I suppose most mortals employ some exaggeration and a little of what someone called "innocent after-mindedness." But does this mean we condone deliberate and important

misrepresentations of fact in a circumstance in which they are clearly intended to be believed and relied upon? Never! Lying is sinful, as it has always been, and there is no exempt category for so-called “lying for the Lord.” Lying is simply outside the range of permitted or condoned conduct by Latter-day Saints—members or leaders.”⁶⁴

229. 1994 COP Tithing Use Omission to Children in LDS Primary Manual

“Tithing Is Used to Help Jesus Christ’s Church Grow
Pictures and Discussion

Display picture 3-26, Child Paying Tithing. Explain what happens to the tithing after the bishop receives it. It is counted, and the tithing is sent to Church headquarters. The leaders of the Church then use it in different ways to help the Church grow, such as building temples and meetinghouses, providing materials for us to study, and for seminaries to help us learn the gospel...

Tithing money pays the expenses for building and maintaining meetinghouses, temples, and other Church buildings. Some tithing money pays for family history and temple work.

Some tithing money is used to support missionary work.

Explain that tithing also helps pay for many other things, such as seminary and institute programs. It is a privilege and blessing to pay tithing. We should feel good knowing that the money we give for tithing helps the Church.”

The above is from “Lesson 42: Tithing,” *Primary 3* (1994) pp. 208–12.⁶⁵

230. 1994. Apostle Oaks’ Tithing Use Omissions in April General Conference.

His Speech Remains Available on Official LDS Website as of 2021. Dallin Oaks said:

The Lord has directed by revelation that the expenditure of his tithes will be directed by his servants, the First Presidency, the Quorum of the Twelve, and the Presiding Bishopric (see D&C 120). Those funds are spent to build and maintain temples and houses of worship, to conduct our worldwide missionary

⁶⁴ Dallin H. Oaks, “Gospel Teachings About Lying,” BYU Fireside Address, 12 Sept. 1993; *Clark Memorandum* [J. Reuben Clark Law School, BYU] (Spring 1994).

⁶⁵ <https://www.churchofjesuschrist.org/manual/primary-3/lesson-42-tithing?lang=eng> (last viewed 03/17/2021)

work, to translate and publish scriptures, to provide resources to redeem the dead, to fund religious education, and to support other Church purposes selected by the designated servants of the Lord.

231. 1996/97 LDS Primary Manual Misrepresents Translation as Directly from Plates.

Young LDS members, including GADDY who was age 10-11 in 1996/1997, were groomed to accept the gold plate translation story about *Book of Mormon* origins. Never since Correlation began, were primary children shown a picture of the brown stone used in a hat as demonstrated by President Nelson for the first time in May 2020. The publication reads in pertinent part:

[The teacher is prompted to ask the children]: “What important work was Joseph Smith called to do?” [The manual prompts the teacher to]: Remind the children that the Book of Mormon is the translation of the golden plates... [And then, to] Discuss the many languages used throughout the world, and explain that the word translate means to change writing or speech from one language to another... [Ask the children] What was the language of the writings on the golden plates? (reformed Egyptian.) ...Show the picture of the golden plates, and discuss Joseph Smith’s task of translating the strange writings on the plates... [Tell the children that] *At first Joseph spent a lot of time becoming familiar with the plates and the language in which they were written...* [Emphasis added.]

Primary 5 Doctrine and Covenants Church History Ages 8–11. From Lesson 6, “Joseph Smith Begins to Translate the Gold Plates,” Published by the COJCOLDS © 1996/1997, IRI. ages are not listed in this 1997 Primary Manual published by Defendant and available online.

232. 1997 LDS Gospel Art Kit—Church History Art Kit Misrepresents Translation Process



The art above and description set forth below was used in teaching LDS members at the local level from date of publication for at least twenty years. In this gospel art kit under the picture of *Joseph Translating from the Plates* by Del Parson, is a summary that reads in pertinent part:

When the Prophet Joseph Smith received the golden plates from the angel Moroni,
he studied the strange language written on them. With Heavenly Father's help,
Joseph translated the writing on the golden plates into words he could understand.
Oliver Cowdery helped Joseph by being his scribe. *As Joseph read out loud from the*
plates, Oliver wrote down the words. When the translation into English was
completed, the book was printed. It is called the Book of Mormon. [Emphasis added]

Gospel Art Kit-Church History, © 1997, IRI, no. 32. Photo is of Del Parson's art © 1996.

233. From 1993 to the present. Priesthood Manual Omissions re: Tithing Use.

The manual states: “The tithes and offerings we give to the Church are used for the Lord’s work.” The manual then lists the ways that tithing is used, none of which include commercial or investment purposes.⁶⁶

Operate the missionary program. Build and maintain chapels, temples, and other buildings, Educate people in Church schools, seminaries, and institutes, Create, print, and distribute the scriptures, lesson manuals, and other Church materials, Further family history work, Provide for those in need, Meet the expenses of general conferences.

The above is published by the COJCOLDS: Duties and Blessings of the Priesthood: Basic Manual for Priesthood Holders, Part B, Lesson 30 “Tithes and Offerings,” This quote is from the January 2000 edition; however, upon information and belief the same quote is contained in the earlier manual, first published in 1993.

234. 2001 President Thomas S. Monson Misrepresents Book of Mormon Creation Process

Speaking from the Hill Cumorah, New York, on satellite transmitted video, later published in the *Ensign* magazine. Monson reiterates what had been the official position for almost one hundred years concerning the location of the burial of the gold plates and the area where the two civilizations, the Nephites and Jaredites, died. What follows is a transcription of his words from that video. Bonneville Communications aired it between Conference sessions on 1–2 April 2000.

What a privilege to be here at the Hill Cumorah and to reflect on the momentous events that unfolded on September 22, 1827, when a plowboy prophet took a horse and wagon and, in the dark of night, rode to this hill, where he received an ancient record from the angel Moroni. In a remarkably short time, this untutored

⁶⁶ The link is accessible as of Feb. 12, 2021. <https://www.churchofjesuschrist.org/study/manual/duties-and-blessings-of-the-priesthood-basic-manual-for-priesthood-holders-part-b/gospel-principles-and-doctrines/lesson-30-tithes-and-offerings?lang=eng>

young man translated a record detailing 1,000 years of history and then prepared the Book of Mormon for public distribution.⁶⁷

235. Plaintiffs and those like them listened to General Conference twice a year, including the programs in-between similar to Monson's comments, over satellite broadcast into their home or, in GADDY'S case, from Salt Lake City to the local ward chapel in North Carolina.

236. 2003 Reminder at October Conference that what Smith taught was without error.

President James Faust is referenced by Apostle Neal Maxwell in the *Ensign* issue reporting the prior month's conference speeches, quoting Smith: "I never told you that I was perfect—but there is no error in the revelations that I have taught."⁶⁸

237. 2003 LDS President Hinckley Misrepresents Tithing Use at General Conference.

At General Conference in April 2003, then LDS Prophet Gordon B. Hinckley announces with regard to City Creek Mall:

We have felt it imperative to do something to revitalize this area. But I wish to give the entire Church the assurance that tithing funds have not and will not be used to acquire this property. Nor will they be used in developing it for commercial purposes. Funds for this have come and will come from those commercial entities owned by the Church. These resources, together with the earnings of invested reserve funds, will accommodate this program.⁶⁹

GADDY, SMALL and HARRIS and others like them heard or read this speech. The definition of invested reserve funds was unknown to Named Plaintiffs and upon information and belief, potential class members, who assumed that it meant interest on business profits. Plaintiffs had

⁶⁷ "Ancient record" and "record" refers to gold plates.

⁶⁸ Apostle Neal A. Maxwell, quoting James Faust, quoting from the book by Andrew F. Ehat and Lyndon W. Cook, *The Words of Joseph Smith*, Bookcraft (1980) p. 369, as cited in Nov. 2003 *Ensign*, at. p. 100.

⁶⁹ President Gordon B. Hinckley, spoken at the Saturday Session at April 2003 General Conference, subsequently printed in the May, 2003 *Ensign*, "The Condition of the Church," pp. 5-6

always been taught that tithing was used for religious purposes. The entire import of Hinckley's statement did not make an impression on GADDY'S young teen mind until years later. ([See ¶244 below.](#))

238. 2004 LDS Missionary Manual Omits Tithing is Used for Commercial Projects.

"Tithing funds are used to support the ongoing activities of the Church, such as building and maintaining temples and meetinghouses, carrying the gospel to all the world, conducting temple and family history work, and many other worldwide activities." From *Preach My Gospel*, p. 79.

This statement is contained in the manual used by all LDS missionaries worldwide, serving from 2004 through 2018, when the manual was updated. It was used by GADDY on her mission.

239. 2004 Required Sunday School Manual about Smith's Life Omits any Reference to Brown Stone, Folk Magic, Criminal history, Civil Fraud, Adultery and Polygamy. The timeline of his life excludes all such events. And there is no mention of any of the above in the narrative.

A student version of a Sunday School manual required to be used in all English speaking words and branches throughout the Church is entitled *Presidents of the Church*. There is no reference to anything other than gold plates to describe the process by which Smith created the *Book of Mormon*.⁷⁰ There is no reference to a stone, let alone a brown stone, Smith's participation in folk magic, Smith's criminal history and history of civil fraud violations, or Smith's extensive participation in adultery/polygamy while he was married to Emma Hale.

240. 2004 Guide to Missionary Service Misrepresents Smith's First Vision Account. This COP-correlated publication is provided to missionaries and sold at Desert Book. It depicts Smith

⁷⁰ "Chapter 1: Joseph Smith: First President of the Church," *Presidents of the Church Student Manual* (2004), pp. 1–19. <https://www.churchofjesuschrist.org/manual/presidents-of-the-church-student-manual/chapter-1?lang=eng> (Accessed Feb. 25, 2021).

experiencing a vision in a grove with two personages described (as opposed to just the Lord as written in the 1832 account by Smith's own hand, concealed for over half a century). This 2004 representation omits reference to the recently published version in the COP essay re: the First Vision that incorporates Smith's handwritten account and admits that he saw only the Lord (not God the Father, as well) who forgave him of his sins (no mention of other creeds being false).⁷¹

241. In his original handwritten account, dated nearest to the 1820 event, Smith wrote:

*...and while in the attitude of calling upon the Lord, in the sixteenth year of my age, a pillar of light above the brightness of the sun at noonday came down from above and rested upon me. I was filled with the spirit of God, and the Lord opened the heavens upon me and I saw the Lord. And he spake unto me, saying, "Joseph, my son, thy sins are forgiven thee.*⁷²

242. 2004 Missionary Guide Misrepresents Smith's Translation. In *Preach My Gospel*, a missionary guide required to be used for all LDS missionaries, COP depicts Smith appearing to translate directly from gold plates, with his scribe. There is no mention of the seer stone used in the *Book of Mormon* creation, nor that the original account of the First Vision written by Smith in 1832 in his own hand contradicts the correlated version in significant specifics. This missionary guide was used by GADDY and upon information and belief, others similarly situated who served in 2004 and later in their LDS mission proselytizing efforts.

⁷¹ "First Vision Accounts," Gospel Topics Essays (2016) (Last viewed Oct. 2, 2019).

<https://www.churchofjesuschrist.org/study/manual/gospel-topics-essays/first-vision-accounts?lang=eng>

⁷² <https://www.churchofjesuschrist.org/manual/first-vision-accounts/1832-account?lang=eng>

(Accessed February 2, 2021)



Preach My Gospel (a Guide to Missionary Service) © 2004 IRI, p. 38. Painting by Del Parson is also found in the *Gospel Art Book* © 2009, IRI at p. 92. The image was also published in the Oct. 2006 & Dec. 2012 issues of the *Ensign* Magazine, a COP/CES/CC correlated publication.

243. 2005 Missionary Preparation Student Manual Misrepresents 1st Vision and Translation

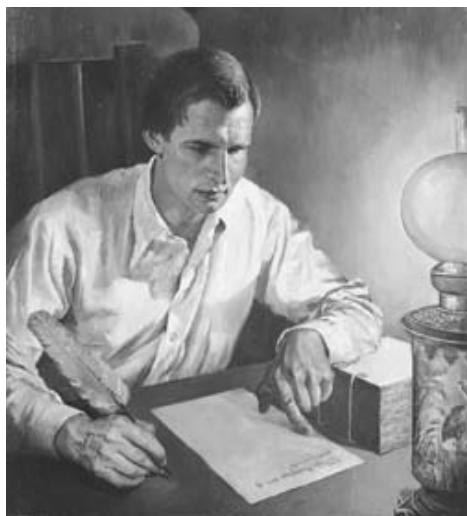
This manual is used in an institute (college level) class by LDS students who plan to serve missions for the LDS Church. The manual contains the representations that during Smith's First Vision he was visited by two personages (in contradiction to Smith's original 1832 handwritten account), and that the *Book of Mormon* was created by Smith translating directly from gold plates. *Missionary Preparation* (Student Manual, Religion 130) © 2005, IRI. The former is an omission, and the latter is a representation that COP leader/agents did not sincerely believe.



The First Vision, Contradicting what Smith Wrote in his 1832 Account.

Printed in: *Missionary Preparation Student Manual* (Religion 130)

© 2005 Intellectual Reserve, Inc., p. 73.



Joseph Smith Translating the Golden Plates. by Harold T. Kilbourn, 1978
Located in the LDS *Missionary Preparation Student Manual* © 2005 IRI p. 74.

244. 2006-2007 Tithing Misrepresentations in Defendant's Publications:

"The Church first announced three years ago it was planning to redevelop the downtown area to energize the economy of the city that houses its headquarters and to bolster the area near Temple Square. No tithing funds will be used in the redevelopment." "[Church Releases Plans for Downtown Salt Lake, Ensign](#), Dec. 2006, pp. 76–80.

"Money for the project is not coming from LDS Church members' tithing donations. City Creek Center is being developed by Property Reserve Inc., the church's real-estate development arm, and its money comes from other real-estate ventures. Doug Smeath," "[Downtown renovation project](#)", published in the COP-owned *Deseret News* March 27, 2007."⁷³

245. 2007 Tithing and Fast Offering Pamphlet Material Omissions re Commercial Use

How Are Tithing Funds Used?

*Tithing is the Lord's law of finance for His Church. Tithing donations are always used for the Lord's purposes, which He reveals through a council of His servants. Some of these uses are:
Building and maintaining temples, chapels, and other Church buildings.
Supporting the activities and operations of local Church congregations..*

Pamphlet published by IRI, © 2007, above language is found on p. 10.

Missionaries distribute this pamphlet. It was/is also placed in the entries to English speaking local wards, accessible to visitors and members.

246. 2007 Sunday School Manual, Material Omissions about Key Mormon History Contained in Manual Used Throughout LDS Wards. Also in Ensign, December, 2006.

⁷³ <https://www.churchofjesuschrist.org/study/ensign/2006/12/news-of-the-church?lang=eng>, and <https://www.deseret.com/2007/3/27/20009045/downtown-renovation-project> respectively. (Both links last viewed Feb. 16, 2021).

The manual is still available to order from the COP-owned distribution center on LDS.org and from Deseret Book. Chapter One reads:

The First Vision: The Father and the Son Appear to Joseph Smith. ‘I saw two Personages, whose brightness and glory defy all description, standing above me in the air. One of them spake unto me, calling me by name and said, pointing to the other— ‘this is My Beloved Son. Hear Him!’ (p. 27), in direct contradiction to Smith’s original account and what is now admitted by COP in its essay on the first vision.

a. The traditional correlated version of Smith’s account of the first vision describes a dark presence prior to Smith seeing two personages who, after one introduced the other as his son, *claims that Smith claimed to have heard the Son say that all the creeds were wrong*, and he was to join none of them (contradicting Smith’s own handwritten account that he saw only the Lord, who forgave him of his sins). The manual states that Smith claimed he would translate the record of Ancient Americans inscribed on gold plates into what would be the *Book of Mormon*.

b. With re: the Egyptian papyri, the manual reads: “In 1835, the Prophet began translating the *Book of Abraham* from ancient Egyptian papyri that the Church had purchased. All these translations later became part of the Pearl of Great Price.” [Emphasis added] (p. 12). There is no disclaimer that Egyptologists opine the papyri are a common Egyptian funerary document having no relation to the Hebrew Prophet Abraham. Or that according to Egyptologists, LDS and non-LDS, the facsimiles do not depict Abraham or events in his life, as is now admitted by COP in its *Book of Abraham* essay. ([¶218 above.](#))

c. The manual is about “the life and ministry of Joseph Smith.”⁷⁴ The sole statement about Smith and polygamy is this one: “As commanded by God, he also taught the doctrine of plural marriage.”⁷⁵ There is no reference at all to the fact that “Joseph Smith married multiple wives,” as was documented in the 19th Century affidavits of Smith’s wives and an account kept by Mormon historian Andrew Jenson and, as admitted in the plural marriage essay many years later.⁷⁶

247. 2008-2012. Former CES Decades-long Employee, Ken Clark, Reveals COP-directed CES Practice of “Lying for the Lord”: “...when the church or its leaders needed protection, it was, and is, okay to fib, deceive, distort, inflate, minimize, exaggerate, prevaricate or lie.”⁷⁷

248. 2009 Omission in Gospel Art Book.

In this Art Book, the First Vision is depicted with two personages. The Gospel Art Book is required to be used in all wards and branches worldwide. There is no disclaimer or other note that Smith’s 1832 handwritten account of the 1820 event differs substantially in that he saw only the Lord who forgave him of his sins, with no mention that all other creeds are wrong.

⁷⁴ *Teachings of the Prophet Joseph Smith*, p. iii. © 2007, IRI. No reference to the brown seer stone. https://www.churchofjesuschrist.org/bc/content/shared/content/english/pdf/language-materials/36481_eng.pdf?lang=eng (Viewed Dec. 15, 2020)

⁷⁵ Ibid., p. 22.

⁷⁶ “Plural Marriage in Kirtland and Nauvoo,” Gospel Topics Essays (2016). Viewed December 12, 2019 <https://www.churchofjesuschrist.org/study/manual/gospel-topics-essays/plural-marriage-in-kirtland-and-nauvoo?lang=eng> (last viewed April 10, 2020)

⁷⁷ Ken Clark, “Lying for the Lord.” p. 40. Nov. 14, 2012. <http://www.mormonthink.com/files/lying-for-lord-ken-clark.pdf>. Published in 2008, updated 2012.



From *Gospel Art Book* © 2009 Intellectual Reserve, Inc. (IRI) p. 90.

Smith is also depicted translating directly from gold plates, no seer stone in hat. Plaintiffs, as lay teachers, and missionaries often used the pictures in the Art Book to teach.



Gospel Art Book © 2009, IRI at p. 92. The above image was also published in the October 2006, and December 2012 issues of the *Ensign Magazine*, a COP/CES/CC correlated publication.

See [Exhibit No. 7](#) Table of Book of Mormon Direct Translation Art/decade.

249. 2010, Defendant announces again that Tithing will protect from burning. "One of our brethren some years ago spoke of the payment of tithing as "fire insurance." Nonetheless, the

word of the Lord is clear that those who do not keep the commandments and observe the laws of God shall be burned at the time of His coming.”⁷⁸

250. 2010 Deseret News Advises Members to only use Church-approved Source Material.

In January of 2010, the COP owned *Deseret News* published an article titled “Use Proper Sources,” that depicts a mother-daughter scene transparently designed to advocate continued mind control over Mormon Church membership. The story in the article is of a mother struggling to prepare a Church lesson, books strewn across her table. The daughter asks her mother why she doesn’t just teach from the Church manual. “Why,” she asks, “are you trying to boil down information? An inspired Church-writing committee has already done that for you.” Daughter says that the manuals have been approved by the Quorum of the Twelve and the First Presidency. Mom, apparently a little dense in this scenario, looks confused. Daughter goes on to explain that all she needs to teach is in the approved manual which has been admittedly ‘correlated’ by the Brethren “... to ensure purity of doctrine, simplicity of materials, and control by the priesthood.” Mother’s concern disappears from her brow. She is relieved that the work (the thinking) has been done for her and she closes her books, shuts down her internet browser and returns from her brief, thinking escape, to the land of the unquestioning.⁷⁹

⁷⁸ Gordon B. Hinckley, LDS apostle, counselor in 1st presidency, and 15th president of the Church in a video dated after his 2008 death: <https://www.churchofjesuschrist.org/media-library/video/2010-07-057-those-tithed-not-burned-at-his-coming?lang=eng#d> Viewed July 22, 2019.

⁷⁹ -----, “Use Proper Sources,” *Deseret News*, Church News Section, Saturday Jan. 9, 2010 [no author credited]. (Salt Lake City: Deseret News Pub., 2010) (Accessed 07/03/2010.) <https://www.thechurchnews.com/archives/2010-01-09/use-proper-sources-67734> (See Exhibit No. 6 to this Complaint filed herewith for the complete text of the article.)

251. 2005 & 2011 Re-edited Film about Joseph Smith Misrepresents Mormon/LDS Origins.

The edited and re-released version of the 2005 Film: *Joseph Smith: Prophet of the Restoration* is an hour-long film produced by the LDS Motion Picture Studio which is, upon information and belief, a subsidiary of BIC. These words appear at the beginning of the film: "The historical events represented in this story are true and occurred on the American frontier from 1805-1845." The film shows: A) the 1820 first vision depicted as that version contradicting Smith's 1832 only handwritten account, depicting young Smith seeing two separate personages; and B) the film depicts Smith appearing to translate directly from exposed gold plates, into what would become the *Book of Mormon*, no brown seer stone or hat used or depicted.

252. In both versions the film misrepresents Smith's First Vision account as one where he saw two personages, one of whom told him that he was to join none of the [existing] churches.



Screen shot is at approximately 8:42. At approximately 8:44, after the depiction of the First Vision, Smith explains, "I was told, in the vision, to join none of the churches, but that the gospel in its fulness was about to be restored."

253. The film also shows Smith retrieving golden plates and translating directly from them.

There is no reference to a seer stone placed in a hat used for the creation of the *Book of Mormon*.



From the film: *Joseph Smith, Prophet of the Restoration* at approximately 18:50 minutes.
This scene depicts Joseph translating directly from the gold plates.

254. 2011 Film Remains Available & is Widely Distributed with Misrepresentations Retained.

COP ran the film at the Joseph Smith Memorial Building adjacent to Salt Lake City Temple Square through 2015. As of the date of the filing of the Original Complaint, Aug. 5, 2019, it was available to watch in select LDS visitors' centers and online on the LDS.org website and free through Amazon Prime Video. And yet, there is still no mention of a seer stone, let alone Smith dictating from a stone placed in a hat as the method used to create the Book of Mormon.

255. In the film Emma Hale is depicted as Smith's only wife, when COP has known for over a century but only recently admits in their buried essay about Smith's polygamy that he had dozens, at least one of which was only 14 years old at the time he became involved with her.

“Plural Marriage in Kirtland and Nauvoo,” Gospel Topics Essays (2016).⁸⁰ According to affidavits and documents prepared at the direction of Mormon leaders and LDS historian Andrew Jenson in the 19th Century, yet concealed by COP, some of these young women had taken into Smith’s household as orphans or workers.

256. 2011, Tithing Cited as Protection against Burning. In Apostle Russell M. Nelson’s April 2011 General Conference speech he states: “[T]ithing will keep your name enrolled among the people of God and protect you in “the day of vengeance and burning.”⁸¹ His speech is printed in the May, 2011 *Ensign*. Once again, there is fear among LDS members, including Plaintiffs herein about the consequences of paying less than a full tithe. Tithing increases as a result of the 2010 and 2011 references to a full tithe as protection from burning at the Second Coming.

257. 2012 Apostle Oaks Misleads by stating that there is no Paid Clergy in the LDS Church. In an April General Conference talk, “Sacrifice,” Apostle Dallin Oaks states: “We have no professionally trained and salaried clergy in [T]he Church of Jesus Christ of Latter-day Saints.”⁸²

258. 2011-2012. Defendant’s Agent Denies Tithing used for Commercial Endeavors. Upon information and belief, Keith McMullin, then a member of the Corporation of the Presiding Bishopric (CPB), told Caroline Winter, a Bloomberg Businessweek writer, that “not one penny of tithing goes to the church's for-profit endeavors.”⁸³ The statement was republished in the *Salt*

⁸⁰ “Plural Marriage in Kirtland and Nauvoo,” Gospel Topics Essays (2016).

<https://www.churchofjesuschrist.org/study/manual/gospel-topics-essays/plural-marriage-in-kirtland-and-nauvoo?lang=eng> (last viewed April 10, 2020)

⁸¹ Russell M. Nelson, “Face the Future with Faith,” *Ensign*, May, 2011, pp 34-35.

⁸² <https://www.lds.org/general-conference/2012/04/sacrifice?lang=eng> (Accessed Jan. 9, 2017)

⁸³ At the time this statement was made, upon information and belief, Mr. McMullin had already issued checks from EPA’s accumulation of tithing principal for City Creek Mall development and the Beneficial Life Ins. Co. bailout. <https://archive.sltrib.com/article.php?id=54478720&itype=cmsid>

Upon information and belief, the above article, including the words of McMullin was relayed to writer Caroline Winter, and first published in her blog of January 20, 2012. Upon information and belief,

Lake Tribune on October 5, 2012. Authored by: Caroline Winter, Katherine Burton, Nick Tamasi and Anita Kumar Bloomberg Businessweek.

259. Defendant Sends Unwitting Missionaries into the Field to Participate in their Fraud.

Though it does not teach its missionaries about the substance of the essays admitting the stone in the hat translation, the conflicting versions of the 1820 First Vision, the absence of reference to the Hebrew Prophet in the Book of Abraham facsimiles or the fact that Smith had committed adultery with dozens of women and later had a revelation about polygamy, upon information and belief, in or about 2015-2016 COP establishes a Churchwide policy taught in the MTC that if an investigator in the mission field asks questions about information in the gospel essays, the missionary must direct that person to counsel with local LDS leaders; and, that the missionaries should not worry, nor attempt to reconcile issues raised in the essays because they are “too complicated.” Upon information and belief, as of 2020, the substance of the LDS essays are not addressed in the MTC, leaving missionaries unprepared to deal with the issues raised by investigators, and using them as unwitting instruments to perpetrate Defendant’s fraud.

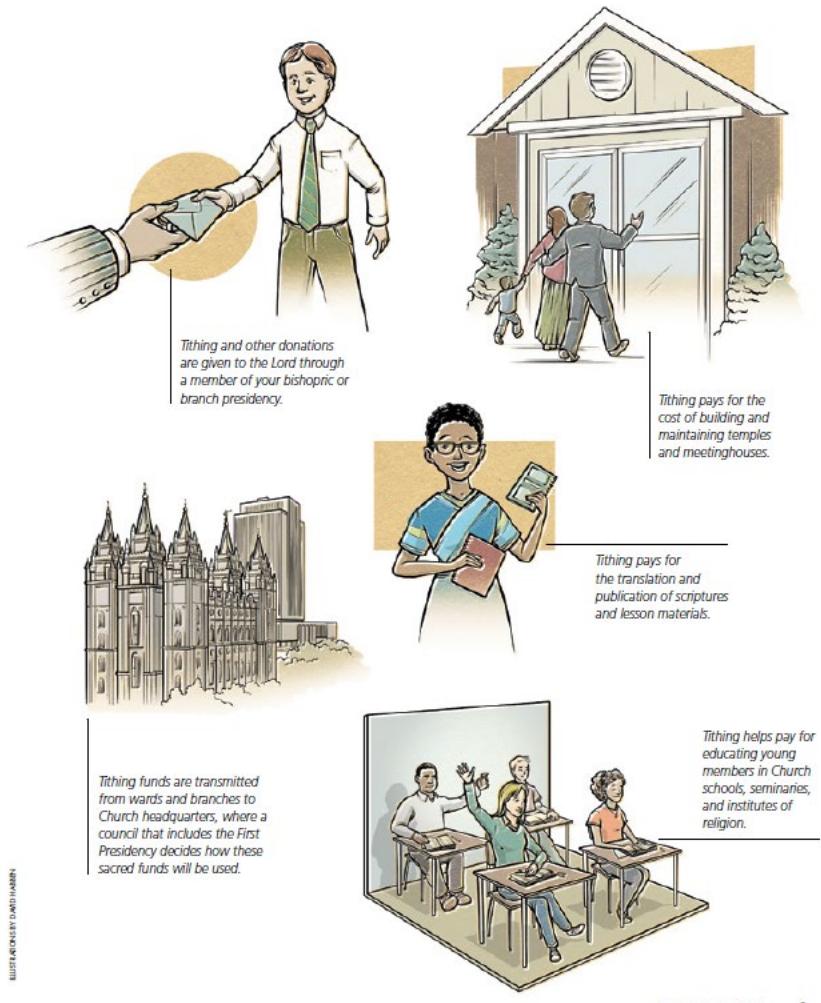
260. 2014 Misleading Graphic with Material Omissions about COP Tithing Use

From a section in the December 2014 *Ensign* entitled “What we Believe,” An unattributed author writes: “Tithing Helps Build up the Kingdom of God:” “Tithing allows the Church to build and maintain temples and meetinghouses, to support seminaries and institutes, to provide

McMullin made the “not one penny” comment to her in late May of the prior year, i.e., 2011. See <https://americanchurchstate.blogspot.com/> (last viewed August 18, 2021)

materials for Church members, and to sustain missionary, temple, and family history work.”⁸⁴

There is no disclosure that tithing is used for commercial projects.



“Tithing and other donations are given to the Lord through a member of your bishopric or branch presidency.

⁸⁴ Under a section of the COJCOLDS *Ensign* magazine labeled: What We Believe, “Tithing Helps Build up the Kingdom of God,” The author is unattributed. December, 2014 *Ensign*, pp 8-9. Also online at: <https://www.churchofjesuschrist.org/study/ensign/2014/12/tithing-helps-build-up-the-kingdom-of-god?lang=eng> Viewed September 7, 2021.

- Tithing funds are transmitted from wards and branches to Church headquarters, where a council that includes the First Presidency decides how these sacred funds will be used.
- Tithing pays for the cost of building and maintaining temples and meetinghouses.
- Tithing pays for the translation and publication of scriptures and lesson materials.
- Tithing helps pay for educating young members in Church schools, seminaries, and institutes of religion.”

261. August 4, 2015, COP Releases for the First Time a Photo of Smith’s Brown Stone.

Ever since Correlation was created in 1961, and perhaps even prior to that time, COP had not disclosed that it was in possession of the stone to Plaintiffs and LDS members. Apart from the Brethren and selected inner circle COP authorities, nobody was allowed to see it or to see any of the other stones that Smith used in his life. In August 2015, COP’s official publication, the *Joseph Smith Papers*, releases this language with the photo: “never-before-seen photographs of a seer stone Joseph Smith likely used in the translation of the Book of Mormon.”⁸⁵

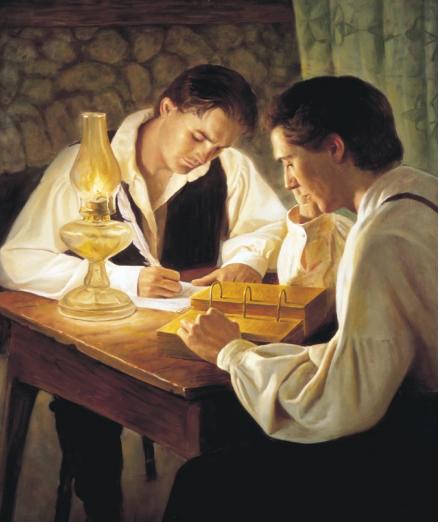
262. October 2015 *Ensign* Publishes Article re: Brown Stone; Adds Misleading Old Art.

In this article, published just three months after COP published a “never-before-seen photo” of the brown stone, COP’s *Ensign* includes an article about the seer stone, but instead of showing Sweat’s stone in-hat artwork, or something similar in light of its recent brown stone disclosure, the article includes only the following four misleading photos of paintings of the *Book of Mormon* creation process:⁸⁶ Article is located at pps 49-55. All four photos are on p. 55 of the Oct. 2015 *Ensign*. (See the following page.)

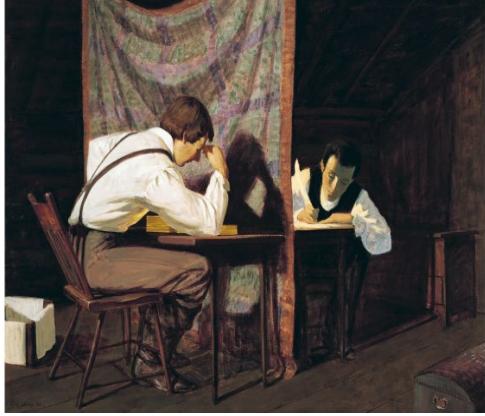
⁸⁵ <https://newsroom.churchofjesuschrist.org/article/church-history-department-releases-book-of-mormon-printer-s-manuscript-in-new-book> & <https://www.josephsmithpapers.org/articles/news-2015> (Both online articles last viewed November 17, 2021.) Brown Stone Photo is above at ¶ 139

⁸⁶ “Joseph the Seer,” by Richard E. Turley Jr., Assistant Church Historian and Recorder, et. al., . “The historical record clarifies how Joseph Smith fulfilled his role as a seer and translated the Book of

In its description attending the four pieces of artwork, the *Ensign* disclaims the content by stating that these are “artists’ interpretations” of the event, when in fact COP commissioned each of these artists and instructed them to depict the process as one where Smith appeared to be translating directly from open gold plates, in contravention to the facts as admitted in the late 19th and early 20th Century, prior to the establishment of the Correlation Department and ignoring and even denying the brown stone was used or in their vault. (See ¶202 and ¶212)

	
<i>By the Gift and Power of God,</i> by Simon Dewey, 2000 in Oct., 2015 <i>Ensign</i> , p. 55	<i>Joseph Smith Translating the Book of Mormon</i> , by Del Parson, 1996. In Oct., 2015 <i>Ensign</i> , p. 55

Mormon,” *Ensign* (Oct. 2015) (Viewed Feb. 4, 2021)
<https://www.churchofjesuschrist.org/study/ensign/2015/10/joseph-the-seer?lang=eng>

		
Illustration by Robert T. Barrett, circa 1988. 10/2015 <i>Ensign</i> , p. 55	<i>Translation of the Plates</i> , by Earl Jones, date unknown. Oct. 2015 <i>Ensign</i> , p. 55	

263. That same month, COP publishes Professor Sweat's article in a magazine distributed to CES employees about how art definitely influences LDS members. It includes Sweat's 2014 artwork depicting Smith looking in a hat to dictate the *Book of Mormon*. Sweat concludes that understandably art influences LDS members and that based on the fact that none of the *Ensign* artwork from 1971-2014 showed Smith dictating from a seer stone in a hat, it is not surprising that LDS members are confused when they discover "...that the Book of Mormon was apparently translated through seer stones placed in a hat to obscure light and that the plates were often concealed under a cloth or not in the room, and not by opening the plates with his finger on them and studying it out[.]"⁸⁷ Sweat acknowledges LDS members can experience cognitive dissonance when the art that they've seen their entire life contradicts what they discover in non-correlated sources:

*Why don't the renderings of the translation reflect the seer-stone(s)-in-a-hat process if that is how it happened based upon multiple historical sources? I cannot answer that question, as only those who have commissioned, created, and published the past artistic images can give an informed response.*⁸⁸

⁸⁷ Anthony Sweat, "The Role of Art in Teaching Latter-day Saint History and Doctrine," *Religious Educator* 16, no. 3 (October 2015): pp. 40–57.

⁸⁸ *Id.*, at p. 5.

264. Ongoing Concealment of 19th Century Report Documenting Smith's Polygamy

In 1869 Joseph Fielding Smith, Sr. obtained affidavits of approximately two dozen of Smith's "wives," attesting to their "sealing" to him. In 1887 paid Mormon Church Historian Andrew Jenson compiles a list report of twenty-seven of Smith's wives based on interviews and affidavits. Upon information and belief, that list and those affidavits have been concealed from all lay LDS in COP archives up through the present day.⁸⁹

265. Continual Misrepresentation re: Smith's Practice of Polygamy.

COP has always presented Smith as an earnest if uneducated man of good moral character. Smith denied he practiced polygamy at the same time that he had multiple wives, including the wives of other men who served in his church (polyandry). Smith said, as documented in Defendant's own Church history: "*What a thing it is for a man to be accused of committing adultery, and having seven wives, when I can only find one.*"⁹⁰ Smith made this claim in 1844 in response to the *Nauvoo Expositor* publication that detailed his numerous adulterous affairs and polygamy. But only recently, in the essay on polygamy, did COP admit Smith's widespread polygamy.⁹¹

266. 2016, COP Creates Thirteen LLC Entities in the Names of COP Employees.

Each of the companies had at that time, domains hosted by the LDS Church servers, which also

⁸⁹ Note: LDS members were taught that Mormon leader Brigham Young had many wives, in part due to the scarcity of men and the abundance of women in pioneer families; both of those claims are disputed by independent historians. LDS members were not taught that founding prophet Smith personally practiced polygamy or polyandry.

⁹⁰ *History of the Church* 6:410–41.

⁹¹ "Plural Marriage in Kirtland and Nauvoo," Gospel Topics Essays (2016).

<https://www.churchofjesuschrist.org/study/manual/gospel-topics-essays/plural-marriage-in-kirtland-and-nauvoo?lang=eng> (last viewed Sept 26, 2021)

hosted LDS.org and Mormon.org. All of the above-described entities were registered on July 21, 2016. Combined, the thirteen companies owned stock valued at \$32,769,914,000 in 2017. The names of the companies did not refer to the COJCOLDs in any way. COP created the thirteen companies to deceive its members and others about the amount of tithing it had accumulated and how LDS tithing is used.

267. Circa 2015-16, Former BYU Professor Admits Traditional Historical Narrative not True.

In or about 2016, Richard L. Bushman, former BYU professor and one of three editors for Defendant's *Joseph Smith Papers* (*JSP*) project, admits to an intimate group of young LDS at a fireside that the traditional narrative of LDS history is not true. Though not speaking at that time as Defendant's agent, he admits: "The dominant narrative isn't true—it can't be sustained."

268. Below is the audio transcript from that Fireside:

Audience Member Question: [00:00:02] I'm wondering, um so it's me a lot of incongruity that that exists now, but it's giving rise to a lot of crisis in faith in [inaudible] situation seems to be caused um in my view by by the disparity between the dominant narrative, the dominant what I would call the orthodox narrative, which is what we learn as missionaries what we teach ya know investigators, what we learn in Sunday school. And then as you get older, you kind of start to experience Mormonism in different ways. And those ways become um very important to you and dear to you. But sometimes they may not they may not jive with some elements of orthodoxy. And so what I'm wondering is like in your view do you see room within Mormonism for several different narrative, multiple narratives of a religious experience? Or do you think that in order for the church to remain strong, it would have to hold to that dominant narrative?

Richard Bushman Answer: [00:01:04] I think for the church to remain strong. It has to reconstruct its narrative. The dominant narrative is not true. It can't be sustained. [1:13/2:04]... [Bushman references Apostle Bruce McConkie's comment that the church needs to "protect the little people," then, comparing grandmothers in San Pete

County to their grandsons, Bushman speaks of the grandsons and continues] They got a story that it [sic] didn't work. So, we've just had to change our narrative.⁹²

269. Upon information and belief, former BYU employee Dr. Bushman has engaged in communication with COP leaders over a period of decades about Defendant's failure to correct the traditional correlated historical narrative to represent what can be reasonably inferred from its knowledge about the stones, artifacts, original manuscripts, documents, and other important information for which LDS members have been denied access.

270. 2017 Misrepresentations in the *Pearl of Great Price* Student Manual (Religion 327) that directly contradict admissions made in the strategically hidden *Book of Abraham* Essay. The manual is to be used by Mormon Institute (college age) students. There is no disclaimer that the translation has been found incorrect by Egyptologists, or that Abraham is not depicted in the facsimiles, as COP previously admitted in its Book of Abraham essay.

The following are excerpts:

P. 76/186 Facsimile 3 shows that Abraham not only survived his experience in Egypt, but that he was invited by Pharaoh to sit on the throne and teach principles of astronomy..." P. 85/186 Facsimiles 2–3; Abraham 4–5 Abraham Taught the Egyptians and Saw a Vision of the Creation of the Earth...Indeed, facsimile 2 contains figures and explanations relating to the Lord's plan of salvation. For example, the explanations for figures 3, 7, and 8 establish a clear relationship between the contents of facsimile 2 and the ordinances of the temple...p. 78/186. Facsimile 3, figure 1. Abraham upon Pharaoh's Throne In figure 1 of facsimile 3, Abraham is shown seated upon the throne of Pharaoh, "reasoning upon the principles of Astronomy, in the king's court" (explanation for facsimile 3; see also the explanation for figure 1). It is clear in Abraham 3:1–16 and facsimile 2, figures 1–5, that Abraham gained great knowledge of the principles of astronomy (pps. 76–78, 85, and 186).

⁹² Richard L. Bushman, PhD, LDS member, and Columbia Professor, answering questions from a group of young LDS, *circa* summer 2016. <https://www.youtube.com/watch?v=MA0YS8LWWX4>, at 44:00/1:56:30 mins. (Last viewed 10/06/2019.)

271. 2017 New Photos of Book of Mormon Translation Process Published.⁹³



First COP published photo of art depicting stone in hat translation—December 2017
Ensign pps. 58-59.

⁹³ *Ensign*, December 2017, pp 58-59.



This artwork above is found on page 57 of the December 2017, *Ensign*.

272. In 2018 JSP Announces but Releases only Some Records of Various Ohio Crimes.

For all relevant time periods, though known to it, COP concealed the existence and outcomes of crimes for which Smith was charged during his lifetime. Then, in 2018 it announces: “In the Legal, Business, and Financial Records series, we have added documents to four Missouri legal cases against Joseph Smith (for riot, treason, and arson), as well as editorial introductions to the riot case and several Ohio court cases.” <https://www.josephsmithpapers.org/news/> However, with the exception of the riot charge, interior links to the other types of crimes and the “Ohio court cases,” are dead as of March 17 2021 and the link content has been changed. As of September 23, 2021, there is no reference to Ohio crimes, only business transactions in Ohio.

273. October 2018 *Ensign* Contains Another Misleading Graphic about Tithing Use.

WHAT WE BELIEVE

WHERE TITHING MONEY GOES

What happens to the money you pay for tithing?



You earn money.



You donate 10 percent of your income for tithing (see Doctrine and Covenants 119).



You give your tithing to a member of your bishopric or branch presidency or submit it online at donations.lds.org.



At Church headquarters, the First Presidency, Quorum of the Twelve Apostles, and Presiding Bishopric are the Council on the Disposition of the Tithes (see Doctrine and Covenants 120). As directed by the Lord, they make inspired decisions on how these sacred tithing funds will be used.

TITHING MAY BE USED FOR:



Constructing and maintaining temples, churches, and other Church-owned buildings



Operating Church-education programs



Printing scriptures and other materials



Doing family history research



Providing welfare and humanitarian efforts



Doing missionary work



Providing Church activities for fellowshiping among ward or branch members

LEARN MORE

- Elder David A. Bednar, "The Windows of Heaven," October 2013 general conference
- Malachi 3:7–18
- "Tithing," *True to the Faith* (2004), 180–82

October 2018 11

"Tithing may be used for." The definition of the verb "may" is originally a modal verb indicating permission, e.g. tithing may be used, tithing is permitted to be used for...

274. From at least 1961 through October 29, 2018, COP conceals the metal plate used to print Facsimile no.3 in the *Book of Abraham*. For at least the past half century, it had characterized the tools used to print the *Book of Abraham* facsimiles as woodcuts. The plate's existence was divulged in the Oct. 2018 the hard copy of a volume of the *JSP*, which sells for \$90.00, but that concealment was not admitted in the online version of the *JSP*, at least not as of Nov. 10, 2020.

275. After 1901, COP “Deaccessions” Facsimile No. 3 Metal Plate from its Museum until 2009, as admitted in Vol. 4, p. 300 of Defendant’s *Joseph Smith Papers* (“JSP”) published in Salt Lake City by the Church Historian’s Press and Deseret Book on October 29, 2018. ⁹⁴

276.



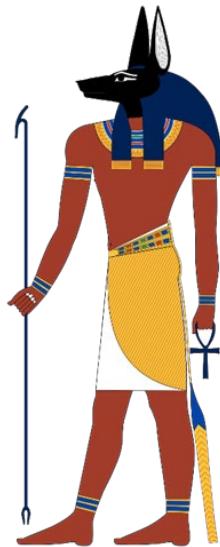
⁹⁴ "Facsimile Printing Plates, circa 23 February–16 May 1842," The Joseph Smith Papers, last accessed November 8, 2020 <https://www.josephsmithpapers.org/paper-summary/facsimile-printing-plates-circa-23-february-16-may-1842/3>

277. Below is a close up of figure 6, the slave, from the above plate made from the papyrus. Smith's figure 6 is claimed to be a slave (flipped). But as depicted in the papyrus it was the jackal-headed Egyptian God Anubis, according to Egyptologists. Due to scrape marks on the metal near his snout, it appears that the metallurgist who crafted the plate removed Anubis' snout, but it also appears that his jackal ear was inadvertently retained (in profile).⁹⁵

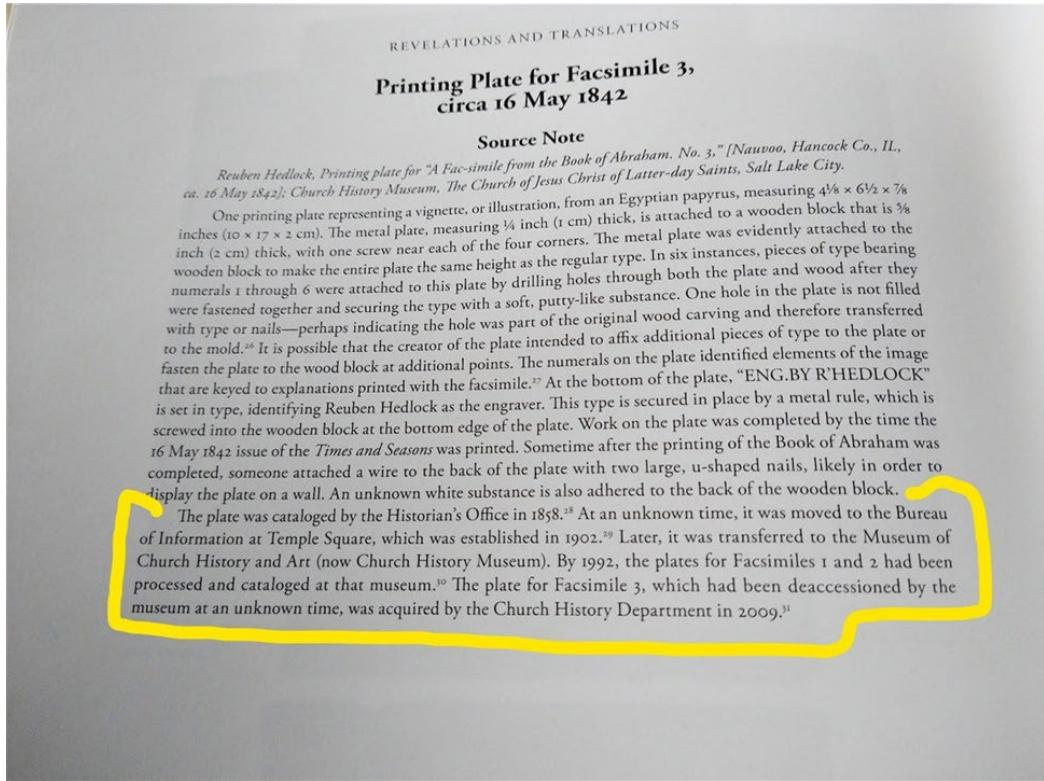


278. Below is a modern version of Anubis as more or less depicted in Egyptian funerary papyri of the same period.

⁹⁵ Close up of figure 6, Facsimile Printing Plates, Nauvoo, IL, ca. 23 Feb.–16 May 1842; CHL.



279. Defendant's explanation of chain of custody for the metal or lead printing plate used to print Facsimile no. 3 in *Book of Abraham* is highlighted in the page below. [See also ¶39, above](#), comparing Egyptologists' translation of the papyrus with Smith's translation.



The above text reads: “*The plate was cataloged by the Historian’s Office in 1858. At an unknown time, it was moved to the Bureau of Information at Temple Square, which was established in 1902. Later, it was transferred to the Museum of Church History and Art (now church History Museum). By 1992, the plates for Facsimiles 1 and 2 had been processed and cataloged at the museum. The plate for Facsimile 3, which had been deaccessioned by the museum at an unknown time, was acquired by the Church History Department in 2009.*”

Robin Scott Jensen; Brian M. Hauglid, Editors. Joseph Smith Papers, Volume 4. Salt Lake City: The Church Historian's Press and Deseret Book (October 29, 2018). This volume currently sells for \$89.99 at Deseret Book and Amazon.⁹⁶

⁹⁶ Photograph of page from *Joseph Smith Papers*, Vol. 4, p. 300, located adjacent to the printing plate used for Facsimile no 3., depicted above. Note: this information is not included in the online version as of November 9, 2020. It is only found in the volume’s hard copy. See: [https://www.josephsmithpapers.org/paper-summary/facsimile-printing- plates-circa-23-february-16-may-1842/3](https://www.josephsmithpapers.org/paper-summary/facsimile-printing-plates-circa-23-february-16-may-1842/3) (Last accessed Nov. 9, 2020.)

280. As of 2019, Misrepresentations about LDS Origins, including its Scriptures, Remain.

Misrepresentations about the First Vision and the Origin of the *Book of Mormon* as a Translation Directly from Gold Plates Remain. The authorship and/or attributions of the characters in the facsimiles in the *Book of Abraham* remain in many if not all of its canonized scripture online and for sale by COP and its various subsidiaries throughout the Empire up through the date of the filing of the Original Complaint.

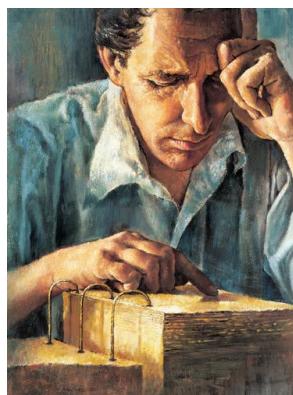
281. As of July 23, 2019, there remain pictures on the LDS.org website of two personages appearing to founder Smith, and of Smith translating directly from gold plates, no seer stone.

282. As of July 23, 2019, pictures of Smith appearing to translate directly from gold plate, no seer stone in sight, by various artists remain on the COP-owned website, www.josephsmith.net.

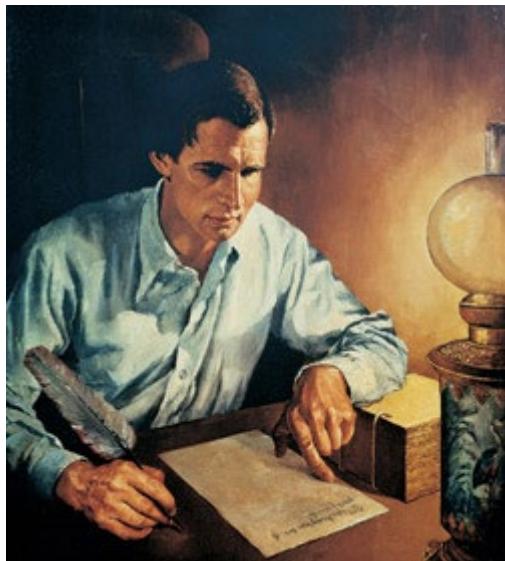
All of the photos below remain on the website as of Feb. 25, 2021, despite the brown stone in the hat admission, and President Nelson's video demonstration.

Depictions of Smith Translating Directly from Gold Plates Remain in 2019

<https://www.josephsmith.net/exhibit/the-book-of-mormon?lang=eng>



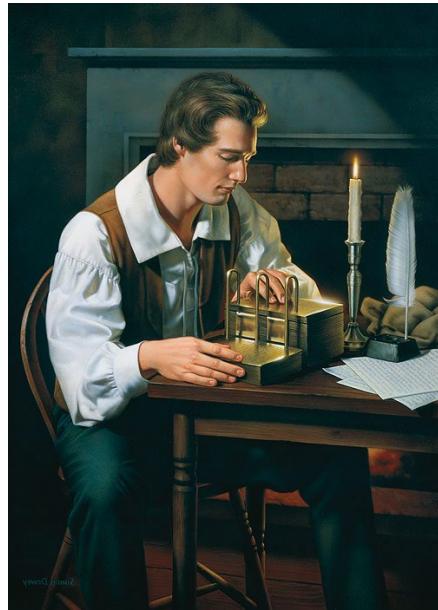
You have a Gift to Translate the Plates, by Harold T. Kilbourn, © 1970



Joseph Smith Translating the Golden Plates, by Harold T. Kilbourn, 1978.



Joseph Smith Translates the Golden Plates, by Robert Barrett, 1982



By the Gift and Power of God, by Simon Dewey, 2000

283. 2021. Continuing Omissions of how Tithing is used in Essay on Tithing, Currently Available on the Official LDS Church Website in what appears to be part of a Study Manual.

The Essay reads in pertinent part:

Church members give their tithing donations to local leaders. These local leaders transmit tithing funds directly to the headquarters of the Church, where a council determines specific ways to use the sacred funds. This council is comprised of the First Presidency, the Quorum of the Twelve Apostles, and the Presiding Bishopric. Acting according to revelation, they make decisions as they are directed by the Lord.
(See Doctrine and Covenants 120:1.)

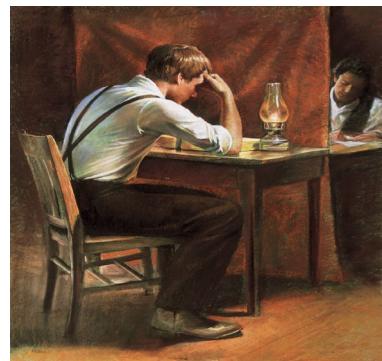
Tithing funds are always used for the Lord's purposes—to build and maintain temples and meetinghouses, to sustain missionary work, to educate Church members, and to carry on the work of the Lord throughout the world.⁹⁷ [Emphasis Added]

⁹⁷ <https://www.churchofjesuschrist.org/study/manual/tithing-and-fast-offerings/how-are-tithing-funds-used?lang=eng> (viewed Feb. 3, 2021).

284. 2021 Misrepresentation from Church Online Magazine re: Tithing use: “Well, according to a January 2021 article on tithing use by COP-owned online magazine, *LDS Living*. Entitled “What is Tithing Money Actually Spent on?” it reads: “Well, according to a Church Newsroom release published in 2019 [a later version links to a COP essay on tithing], donations are spread among six categories, and they all revolve around the four-fold mission of the Church: to teach the gospel to the world, to strengthen the membership of the Church, to perform saving ordinances for the dead, and to care for the poor and needy.”

285. 2021 Smith Translates Directly from Plates Art Remains:

The image below remains on COP’s official website as of March, 2021. It has been five and a half years since COP published the never-before-seen photo of the opaque brown stone used in a hat to create the *Book of Mormon*, no gold plates in sight.⁹⁸



286. For all relevant times, GADDY, SMALL and HARRIS and each and every putative class member had a confidential interview with an LDS bishop, branch president, stake president or direct mission leader prior to getting baptized. Whether at age 8 or as an adult, that interview was conducted between the lay agent for COP and the prospective member in an LDS chapel or

⁹⁸ <https://history.churchofjesuschrist.org/content/joseph-smith-translates-the-gold-plates?lang=eng> (Viewed last on Feb. 25, 2021).

facility used to hold LDS services, in a private room with no others present, all leading to the aegis of confidentiality. Both the LDS leader and the potential member expected confidentiality. Any records made during that interview were to be confidential.

287. Among the questions asked in the interview were:

- 1) Do you believe the Church and gospel of Jesus Christ have been restored through the Prophet Joseph Smith? Do you believe that [current Church President] is a prophet of God? What does this mean to you? And
- 2) You have been taught that membership in the Church of Jesus Christ of Latter-day Saints includes living gospel standards. Are you willing to obey the law of tithing? Do you understand what that means?⁹⁹ (This tithing question is one of several commandments, including others such as obeying the law of chastity and keeping the sabbath day [Sunday] holy.)

288. Additionally, each of the named Plaintiffs and most all potential class members also met with a bishop and/or stake president in order to take out their endowment in an LDS temple. This ordinarily occurred when the member was a young adult, or later in life if a convert. This meeting was called a temple worthiness interview. These questions include those asked in the baptism interview above, namely asked to confirm his or her testimony of Joseph Smith as the prophet of the restoration and/or the COJCOLDs as being the restored gospel of Jesus Christ and whether s/he obeys the law of tithing and/or pays a full tithe. Additional temple questions are asked as well.¹⁰⁰

⁹⁹ From *Preach My Gospel* © 2004, pps 205-206.

¹⁰⁰ Note: At some point the question was changed to whether the interviewee has a testimony of the restoration of the gospel of Jesus Christ instead of an express reference to Joseph Smith.

289. The circumstances surrounding that interview indicate that both the lay agent for Defendant and the member who wants to obtain their endowment, whether for a mission or a temple marriage (those two events are ordinarily the two for which an endowment may be taken out). Any records kept are considered confidential.

290. Each December an LDS member meets with the bishop for tithing settlement, to declare whether s/he has paid a full tithe and to make up anything that is less than full for the year. Payments made and communications during tithing settlement are carried out confidentially. Each party has an expectation of confidentiality. If a full tithe is not paid, the temple recommend is not issued or renewed.

VIII. MAIL AND WIRE FRAUD ALLEGATIONS

291. For the past 50-60 years, COP engaged in a scheme or artifice to defraud GADDY, SMALL and HARRIS and potential class members, Plaintiffs, by means of a traditional narrative about LDS origins promulgated churchwide through correlated materials that its top leaders, the Brethren in charge of Correlation, did not and do not sincerely believe. COP, through its Brethren, knowingly devised or knowingly participated in a scheme and/or artifice to defraud GADDY, SMALL and HARRIS and other potential class members to obtain Plaintiffs' money or property by means of fraudulent pretenses, representations, or promises, and/or engaged in a scheme to defraud Plaintiffs via making misleading representations in the form of outright fabrications, material omissions and significant obfuscation, all designed to deceive Plaintiffs and keep the Brethren's true states of mind secret from their faithful followers. In short, due to the important concealed items and information identified above, COP's Brethren did not have a sincere religious belief in many aspects of correlated Mormon/LDS history (whether described as

fact or doctrine) including the source of LDS scriptures as more specifically identified above.

And/or,

292. For the past 50-60 years, COP engaged in a scheme or artifice to defraud GADDY, SMALL and HARRIS and potential class members by means of omitting and spinning Smith's history with the law. COP, through its Brethren, knowingly devised or knowingly participated in a scheme and/or artifice to defraud GADDY, SMALL and HARRIS and other potential class members to obtain Plaintiffs' money or property by means of fraudulent pretenses, representations, or promises, and/or engaged in a scheme to defraud Plaintiffs via making misleading representations in the form of outright fabrications, material omissions and significant obfuscation, all designed to deceive Plaintiffs about Smith's true character as a prolific adulterer, convicted criminal and perpetrator of numerous civil frauds as more fully described [in ¶36, above](#). And/or,

293. COP, through its Brethren, knowingly devised or knowingly participated in a scheme and/or artifice to defraud GADDY, SMALL and HARRIS and other potential class members to obtain Plaintiffs' money or property by means of fraudulent pretenses, representations, or promises, and/or engaged in a scheme to defraud Plaintiffs via making misleading representations in the form of outright fabrications, material omissions and significant obfuscation, about how it used and would use their tithing and concealing the amount and source of COP's significant wealth, all designed to deceive Plaintiffs. Tithing was not used only for the Lord's or Church purposes [reasonably interpreted as religious] but a substantial portion of tithes, especially when compared to humanitarian aid of \$1.3 Billion from 1985-2010, was used

for investment and commercial development purposes, including but not limited to City Creek Mall and bailing out Beneficial Life Ins. Co., and likely for the projects itemized in ¶8 above.

294. COP could foresee that the U.S. Postal Service and interstate wires would be used “for the purpose of” advancing, furthering, executing, concealing, conducting, participating in, or carrying out these schemes, within the meaning of 18 U.S.C. §§ 1341 and 1343.

295. In particular, pursuant to the schemes to defraud the Plaintiffs and other class members, COP knew or could foresee that the U.S. Postal Service and interstate wires would be used to receive and/or deliver, *inter alia*, communications for the purpose of providing correlated historical accounts of Smith’s first vision, Smith’s creation of the *Book of Mormon*, the translation of the *Book of Abraham*, the misrepresentations re: Smith’s adultery and Smith’s criminal and civil fraud history. All of the above misrepresentations that Defendant’s agents, the Brethren, did not sincerely believe. Defendant purposely concealed material artifacts used in LDS history and scripture creation including but not limited to the brown opaque stone, the metal printing plate for Facsimile no. 3., Smith’s original account of his First Vision, Smith’s 1826 conviction for peep stone fraud, official documentation of Smith’s adultery and other artifacts, original manuscripts, documents and information, for the purpose of concealing the history of Smith’s First Vision, Smith’s creation of the *Book of Mormon*, the meaning of the papyrus from which the *Book of Abraham* was sourced, their own historian’s 19th Century report of Smith’s 27 wives and records of numerous crimes and civil frauds that would reveal the nature of Smith’s fraudulent character. And/or,

296. COP engaged in a scheme to defraud Plaintiffs and potential class members by means of making misleading representations and omissions designed to deceive Plaintiffs about how their

tithing was used, all the above for the purpose of persuading them to donate their time, money, and energy for the economic benefit of the Mormon Corporate Empire.

297. COP acting singly and in concert, personally or through its agents, used the U.S. Postal Service and interstate wires or caused the U.S. Postal Service or interstate wires to be used “for the purpose of” advancing, furthering, executing, concealing, conducting, participating in, or carrying out a scheme and/or schemes to defraud GADDY, SMALL and HARRIS and potential class members, within the meaning of 18 U.S.C.A. § 1341 and 1343.

298. It is not possible for GADDY, SMALL and HARRIS to plead with particularity all instances of mail and wire fraud that advanced, furthered, executed, and concealed the scheme and/or schemes because the particulars of many such communications are within the exclusive control and within the exclusive knowledge of COP. By way of example, however, COP specifically used the U.S. Postal Service or interstate wires or caused the U.S. Postal Service or interstate wires to deliver each and every electronic transfer, email, letter, mailing, magazine, conference speech, mission announcement/calling, and other uses of the mail and wire described in ¶¶140-290, above.

299. Upon information and belief, some of the wire communications described above occurred between persons in the same state but crossed interstate borders by reason of the technology and other mechanisms used to transmit the communication.

300. Each and every use of the U.S. Postal Service or interstate wires described above was committed by COP acting singly and in concert, personally or through its agents, with the specific intent to defraud Plaintiffs or for obtaining the money or property of Plaintiffs by means of fraudulent pretenses, representations, or promises. COP’s acts of mail and wire fraud in

violation of 18 U.S.C. §§ 1341 and 1343 constitute racketeering activity as defined by 18 U.S.C. § 1961(1)(B).

301. Plaintiffs and suffered, continue to suffer, and will suffer substantial injuries by reason of COP's acts of racketeering.

IX. FACTUAL ALLEGATIONS SPECIFIC TO PLAINTIFF LAURA GADDY

302. LAURA GADDY¹⁰¹ was raised by her single mother who converted to the LDS Church in 1979, having relied on the correlated materials for her conversion and commitment to the Church. LAURA, along with her three older siblings, attended the LDS ward in Gastonia, North Carolina. She participated extensively in all the Church auxiliary programs from Primary onward, including Sunday School, Young Women and at age seventeen, Relief Society. She sang children's tunes about Smith's golden plates being a record made by [the ancient prophet] Nephi and Smith's account of the first vision in the sacred grove where he claimed to see two personages, God the Father, and his Son, who told him that all creeds are false and that their beloved prophet should join none of them.

303. She sang the song about the prophet never leading her astray. Chorus lyrics are:

Follow the prophet, follow the prophet,
Follow the prophet; don't go astray.
Follow the prophet, follow the prophet,
Follow the prophet; he knows the way.¹⁰²

304. A typical week during her childhood and youth was spent at the LDS Church for three hours on Sunday, learning about Mormonism at Family Home Evenings on Mondays, attending

¹⁰¹ LAURA GADDY will be referenced as LAURA, with re events before her marriage to Mr. Gaddy.

¹⁰² Chorus to "Follow the Prophet," *LDS Children's Songbook* (#110), Words and music: Duane E. Hiatt, b. 1937. © 1989 IRI.

auxiliary activities for several hours on Wednesday nights and various Church activities on Saturday, including performing chapel janitorial duties. During these activities, most of which were held at the local chapel, she saw pictures of Smith translating directly from the gold plates and of his seeing two personages in a grove of trees during his First Vision. Never did she see artwork showing Smith creating the *Book of Mormon* by using a brown stone buried in a hat, or of the brown stone as the artifact used to create the Book of Mormon. She did see a representation of what was described as the urim and thummim, but that was depicted as eyeglasses with a breastplate as shown above.

305. At twelve LAURA was worthy to attend the holy temple and be baptized for the dead.

306. She attended the Church's girls camp. She served in numerous callings from Relief Society President to visiting teaching coordinator and gospel study teacher.

307. She had always been taught that tithing was used for church purposes and activities. She understood this to mean religious purposes and activities. Never in her life did she imagine her hard-earned tithing would be used to develop a mall or to finance commercial properties, especially when after she resigned she discovered how little had been used for humanitarian aid.

308. From age seventeen until early 2018, LAURA paid tithing on her earnings. She deposited the cash or a check in an envelope after filling out the form provided by the local ward. Her contributions were forwarded by her local ward bishopric to the COP.

309. Since childhood, it was LAURA'S pattern and practice to listen twice a year to both Saturday and Sunday General Conference sessions, initially via broadcast to her local North Carolina chapel from Salt Lake City, where she was assured that her spiritual leaders would never lead her astray.

310. She ordered temple garments, teaching materials, and mementos from Deseret Book by telephone, and then later, online through Deseret Book's website.

311. LAURA graduated high school in 2005. From age seventeen to nineteen she drove 25-40 miles to attend Institute and singles wards while working as a waitress to save for a mission.

LAURA's Dedicated Service to the Mormon Corporate Empire.

312. While living in Gastonia, LAURA's stake president recommended that she serve a mission. She prayed about it and in 2005 received her mailed calling from COP headquarters. All twelve members of her family gathered around while she opened the envelope to reveal she had been called to the Hamburg, Germany Mission. Having received the academic award for the German language in high school, at age nineteen she left for her mission. LAURA, and upon information and belief many members of the putative class who served missions, financed them in whole or in part. Some have financed missions of others, including but not limited to their children and grandchildren.

313. LAURA stayed just 2.5 weeks at the MTC due to her facility with the German language. While there, nothing but correlated information was presented about the historical restoration of the LDS Church. LAURA was never taught anything about Smith's original account of the First Vision, Smith using a seer stone in a hat to create the *Book of Mormon*, that he engaged in adultery, only later described as polygamous relationships, had been convicted of fraud for attempting to locate buried treasure with the same brown stone, engaged in other crimes and civil frauds or the notion that Smith wrongly characterized Egyptian deities as the Hebrew Prophet Abraham in the Book of Abraham.

314. Excited to serve, once in Germany LAURA taught discussions from the Missionary handbook, which included pictures of Smith's First Vision with two personages and him translating the *Book of Mormon* directly from golden plates. She also taught from the *Book of Abraham*.

315. She served honorably in Germany for nineteen months working approximately 75-80 hours a week. While there two of the Brethren, Apostles Jeffrey Holland, and Dieter Uchtdorf met with her and other missionaries in Hamburg, Germany in 2008.



LAURA DENTON [GADDY] & Apostle
DIETER UCHTDORF

LAURA DENTON [GADDY] in dark blue suit
behind Apostle JEFFREY HOLLAND

316. After serving diligently, LAURA received credit for just two converts. Many times, potential converts would raise objections to what she attempted to teach, but when questioned, she was instructed by her leaders to ignore their comments as they were "Anti-Mormon lies."

317. She returned home discouraged, convinced that her personal imperfections were responsible for her failure to secure more converts. However, she remained faithful.

318. While on her mission, she taught potential members that tithing was always used for religious purposes and would then list those set forth in her manual, *Preach My Gospel*.

319. When she returned home to North Carolina, she applied to and was accepted at Western Carolina University. During this time, LAURA discussed her college plans with her stake president, who told her she should apply to a Church school. He looked at her and said with the stern force of prophecy “You should go to BYU-Idaho. You will meet your husband there.” In reliance on that prophecy, she declined acceptance to her local school and embarked on a 2,000-mile cross-country move to BYU-Idaho, in Rexburg.

320. LAURA graduated BYU-Idaho with a bachelor’s degree. While there, she took additional Mormon religion courses and attended Institute. She used the Institute and religion course manuals which never hinted at Mormon historical anomalies, or what had been concealed. She dated and remained in the Rexburg area for three months after graduation in an attempt to fulfill her stake president’s prophecy but did not meet her husband.

321. She found a job in her specialty in Florida and lived with an LDS family there for approximately two years. After much discussion and counseling with her bishop where she confided the hopes, fears, and disappointments of her young life, LAURA decided that Florida was not the right place for her. She looked for a professional position elsewhere.

322. Ultimately, LAURA took a job in Texas and attended a singles ward, where she met her husband in April 2015. They were married in the Rexburg Idaho Mormon temple in December of

2015. Two of her sisters were barred from the ceremony since the older one was not temple worthy and the younger deemed too young.

323. During her youth and young adulthood, she encountered nothing that caused her to question or contradict any of the misrepresentations made in COP correlated material. She, like all others who have been raised in the Mormon organization, had been admonished not to read outside of COP-approved sources.

324. LAURA GADDY and her husband remained active. She taught Relief Society in her ward. During her temple recommend interviews she readily acknowledged that she paid a full tithing. She had relied upon COP's representations that tithing was used for Church expenses like missionary and educational funds, temples, *Book of Mormon* publication, and humanitarian aid. When asked if she associated with any whose practices were contrary to church teachings, she truthfully answered "no," securing her worthiness to enter the temple and obtain exaltation.

A Shocking Discovery Leads to Research

325. Then, in February of 2018, she was preparing a lesson for Relief Society. In search of conference talks to supplement her lesson she googled "Mormon videos" and came across a link to a video of an interview with Josh Durham, a Mormon physician, who talked about mind control and Steve Hassan's B.I.T.E. model of religious extremism in the context of Mormonism.

326. Dr. Durham stated that Smith lied about his personal participation in polygamy. Initially, GADDY did not believe what she was hearing, she wanted to prove Dr. Durham wrong. She had always been taught that Smith had just one wife, Emma Hale. She researched Smith's participation in polygamy but found nothing dispositive on the LDS.org website. She did find a link on LDS.org to another site where Smith's wives were listed. Thinking that since the

Mormon website linked to an outside source from its own site, therefore she was allowed to read it, she viewed websites that addressed Smith's lies about his polygamy, which led her to sites where other historical issues were addressed, including the stone in the hat method of *Book of Mormon* creation, *Book of Abraham* anomalies, Smith's 1826 fraud trial, and other misinformation. Over time, the conclusion was inevitable--Mormon history was radically different from what she had been taught.

327. In late 2019 she learned that the tithing which she had paid under the belief that it was used for church expenses appears to have also been used for COP affiliated business enterprises.

328. GADDY attempted to discuss the historical issues with her family and friends, all of whom either refused to listen to her or trivialized her concerns. She was alone in her despair.

329. She found that she could not reconcile what she had learned with continuing membership in the LDS Church. Ultimately, shortly after that rude awakening, she resigned from the Church.

330. She underwent months of counseling for the severe emotional distress that she has suffered upon learning that her trusted spiritual advisors have misrepresented the historical facts, and concealed important stones, artifacts, original manuscripts, documents, and information, leading her to build her faith upon an incomplete and misleading premises. Her entire life had been based upon a lie.

331. In 2019, realizing she could not trust her LDS leaders, she read news stories about the IRS Whistleblower complaint. She learned that a former employee of EPA claimed that tithing was used for City Creek Mall and to bailout out Beneficial Life Insurance company. She reflected back years ago when a friend of hers who had become disaffected from the Church told her that the Church was building a Salt Lake mall using tithing funds. She had mentioned the

issue with her husband who checked several sites, among them, an LDS apologists' site.¹⁰³ That source quoted directly from both the 2006 *Ensign* report and 2007 *Deseret News* article quoting LDS agents who assured members that no tithing was used for City Creek Mall. ([¶244, above](#)). Her husband relayed that information to her, and she dismissed her friend's claim as another example of Anti-Mormon propaganda. Though she heard Hinckley's 2003 claim, she did not connect the phrase "invested reserves" with "tithing" as that information was not provided to her since she was female and not invited to the 1991 and 1995 priesthood conference sessions where Gordon Hinckley allegedly defined the term "invested reserves." She was also just a child at the time. GADDY would not have paid tithing had she known tithes were used for commercial investment and development, and that COP had a pattern of stockpiling billions, with so little spent for humanitarian aid.

332. GADDY reflected on all the times she heard and later, taught others that tithing was only used for Church purposes and activities. She had been misled and misled others. Now it appeared that tithing was used for commercial purposes; it was another breach of trust, a misrepresentation from her leaders who promised to never lead her astray, that they had in fact deceived her. She remembered the numerous hours spent cleaning her local chapel in order to help the Church conserve janitorial expenses, when Defendant had tens of billions of dollars in secure in EPA.

333. She knew nothing of Smith's crimes and participation in folk magic but was taught and taught others that he was an innocent man of good moral character. While a missionary, with the

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https://www.fairmormon.org/answers/Mormonism_and_church_integrity/City_Creek_Center_Mall_in_Salt_Lake_City#Question:_Was_the_Church-funded_redevelopment_project_in_downtown_Salt_Lake_City_known_as_City_Creek_Center_funded_using_tithing.3F (Last accessed Feb. 20, 2021).

artwork that she had seen growing up in mind and with tears in her eyes, she bore testimony of the *Book of Mormon* translation process, always as one where Smith had the gold plates directly in sight and translated them in the ordinary sense of the word. She earnestly explained the First Vision where both God and Jesus appeared and her beloved founding prophet was told that all other creeds were false, was the incipient event for founding her beloved LDS Church.

334. She wept at all the deceit about the Church history and Smith's character and realized from what she had discovered that her entire life had been dedicated to the service of a fraud. GADDY would not have committed to the church as a young adult, had she known of the misrepresentations enumerated in this complaint about church origins and the character of Smith.

X. FACTUAL ALLEGATIONS SPECIFIC TO PLAINTIFF LYLE SMALL

335. LYLE SMALL is a resident of El Paso County Colorado. Mr. Small obtained a BS in engineering from Cornell and an executive business master's degree from Harvard. He was born in a highly orthodox Utah LDS family and baptized at age eight. He was a dedicated member of the Church having participated in the Provo temple baptisms for the dead hundreds of times and attended the Hill Cumorah pageant at least three times.

336. As 1986 Graduate of Springville High School seminary program, he was also president of the program. He was taught that the urim and thummim constituted spectacles attached to a breastplate, not an ordinary appearing brown rock. Mr. Small was assistant to the bishop in the priest's quorum while in high school. Mr. Small served a two year full time LDS mission to Finland. While at Cornell, he attended weekly institute classes.

337. Married in the LDS temple, Mr. Small held a temple recommend continuously (except for a two month inadvertent lapse) for over 33 years until his resignation in 2019. He has been a full tithe payer since age eight, during his entire 51 years as a member of the Church.

338. In late February or early March 2019 he came across a Facebook post by a friend asking whether Joseph Smith was a sexual predator. He sought to rebut the post and started researching LDS history which led him to read from independent sources. Prior to that time he had never been informed of the LDS essay admitting in many respects the previously characterized “Anti-Mormon” lies.” Growing up he had been admonished that the information he learned from researching independent LDS history was Anti-Mormon lies that he must avoid.

339. After researching accurate LDS history, Mr. Small resigned from the LDS Church in October 2019. Most of his family remain members of the Church. This situation causes significant familial stress. Additionally, the emotional trauma he experienced as a result of Defendant’s fraud has been intense and ongoing. LYLE SMALL would not have committed to the church as a young adult, had he known of the misrepresentations enumerated in this complaint about church origins and the character of Smith.

340. In December of 2019 he read the news reports of the IRS whistleblower claim and learned that the Church used tithing for commercial projects. Prior to that he had understood that it earned interest and invested excess tithing in stocks and bonds but had never been told that the tithing funds were actively used for commercial development or to fund Church businesses. He did not connect “invested reserves” with “tithing” as that information was vague and obfuscated in the 1991/1995 priesthood speeches by Hinckley and the information was preceded and superseded by prior and subsequent misrepresentations in COP’s publications and by its agents

that tithing was not used for City Creek Mall identified above, together with the numerous representations by COP's agents, including local lay leaders, that tithing was only used for ecclesiastical purposes.

341. Mr. Small relied on all of the types of misrepresentations, both affirmative and by omission, including the artwork, made in this complaint during the time he was a member of the LDS Church. He specifically heard Gordon B. Hinckley state that no tithing would be used for City Creek. Mr. Small would not have paid tithing had he known tithes were used for commercial development, and that COP had stockpiled \$128 Billion dollars, with so little spent for humanitarian aid.

XI FACTUAL ALLEGATIONS SPECIFIC TO PLAINTIFF LEANNE HARRIS

342. For all relevant times, LEANNE HARRIS was and is a resident of San Luis Obispo County, California. She has a degree in massage therapy. She was always the 'peacemaker' and the 'good kid' in her family. Mormonism was extremely important to her and a way of life for her family growing up. Her parents taught her it was the only way to be an eternal family. LEANNE was baptized at age eight. She was a dedicated member of the Church, who attended LDS Seminary classes and who paid tithing her entire adult life until 2019.

343. LEANNE HARRIS was married in an LDS temple and is the mother of five children. Her oldest son Maxwell passed away in a boating accident at a family reunion in 2010 when he was almost 10 years old. Her oldest sister passed away in a car accident when LEANNE was 10 years old. As a result of these untimely deaths, HARRIS and her husband "doubled down" on LDS doctrine because they trusted and believed the teachings of the Mormon Church. She and her husband were taught that you had to be baptized, go through the temple, pay tithing, give of your

time and talents, and then you could live with your family for eternity. They did their son's temple work only months after his death. After losing a sister and then losing a son, HARRIS held on to what she had believed was the truth and gave the church everything she emotionally and physically could spare. The worry of not being able to live with her sister or her son again if she didn't do what the Mormon Church asked of her was severe.

344. In 2019 HARRIS discovered through the CES letter and other literature that the Church was not what it claimed to be. That discovery almost destroyed her. LEANNE HARRIS would not have committed to the LDS Church as a young adult, had she known of the misrepresentations enumerated in this complaint about church origins and the character of Smith.

345. HARRIS reasonably relied on all of the types misrepresentations both affirmative and by omissions, including the artwork, in this complaint that were promulgated during her membership in the LDS Church. She specifically heard Gordon B. Hinckley state that no tithing would be used for City Creek and heard and relied on the subsequent misrepresentations in Defendant's publications and by COP's agents that tithing was not used for City Creek Mall identified above. Though she heard Hinckley's 2003 claim, she did not connect the phrase "invested reserves" with "tithing" as that information was not provided to her since she was female and not invited to the 1991 and 1995 priesthood conference sessions where Gordon Hinckley allegedly defined the term "invested reserves." She was also just a teenager at the time.

HARRIS would not have paid tithing had she known tithes were used for commercial investment and development, and that COP had a pattern of stockpiling billions, with so little spent for humanitarian aid.

XII. CLASS PROCEDURAL ALLEGATIONS

346. The following individuals are excluded from the Class: (1) any Judge or Magistrate presiding over this action and members of their families; (2) Defendant, their subsidiaries, parents, successors, predecessors, and any entity in which Defendant or its subsidiaries or dbas, have a controlling interest and their current or former employees, officers and directors; (3) Plaintiffs' attorneys; (4) persons who properly execute and file a timely request for exclusion from the Class; (5) the legal representatives, successors or assigns of any such excluded persons; and (6) persons whose claims against Defendant have been fully and finally adjudicated and/or released. Plaintiff anticipates the need to amend the Class definitions following discovery.

347. Definition of the proposed class: All members of the COJCOLDS who have resigned from the LDS Church as well as those who submit a request to resign to COP or its agent within 90 days of their receipt of the Class Certification notice and who do not opt-out of the Class.

348. Numerosity [Size]: The exact size of the Class is unknown and not available at this time, but it is clear that individual joinder of all persons is impracticable. COP has in its possession a list of those who have requested that their names be removed from its records. In 2019, the *Salt Lake Tribune* reported that 148,868 LDS members resigned in 2018 alone, based on statistics compiled from LDS sources.¹⁰⁴ Additionally, upon information and belief, hundreds of thousands of LDS have used the website www.quitmormon.org to resign since it was created in or about 2012.

¹⁰⁴ <https://www.slttrib.com/religion/2019/04/06/lds-church-tops-million/> (Last viewed 12/30/20.) “Amid the 2018 statistic report announced Saturday by [T]he Church of Jesus Christ of Latter-day Saints, there is a startling finding: the largest number of membership records ever removed in a single year — 140,868.”

349. Members of the Class can be easily identified through Defendant's records of those Mormons who have resigned. According to the *LDSPFCR* and additional surveys, most all of those who have resigned consider the misrepresentations identified in this complaint about key Mormon history the primary reason for their disaffection. Failure to fully and fairly disclose how tithing is used, only revealed after many have left the Church, is also a substantial factor.¹⁰⁵

350. Commonality/Typicality and Predominance: There are many questions of law and fact common to the claims of named Plaintiffs and the putative class; those questions predominate over any questions that may affect individual members of the Class. Common questions for the Class include but are not necessarily limited to: Class members were all part of the intended audience for Defendant's correlated material. Class members relied upon generally the same misrepresentations and material omissions about key Mormon history including the character of Smith and/or use of tithing funds upon which they based their belief in the LDS Church.

351. Class members either committed to the Church as young adults or as converts. Most all Class members either served LDS missions or were married in an LDS temple or both. All potential Class members entered into a continuing oral contract to pay a full tithe in exchange for LDS temple access and/or membership. All potential Class members reasonably trusted the Brethren and reasonably believed that the Brethren believed the correlated rhetoric that they created, approved, and published, including the material misrepresentations itemized in the above paragraphs about Mormon History and Smith's character. The type of psycho-social issues

¹⁰⁵ The *LDSPFCR* survey was conducted prior to widespread news coverage of the IRS Whistleblower Complaint, containing allegations that COP misused tithing proceeds.

caused by Defendant's deception, as set forth in the *LDSPFCR*, are common to all Plaintiffs and potential class members.¹⁰⁶ And/or

352. All Class members reasonably believed that tithing was used exclusively for religious and not commercial purposes. Thought Plaintiff SMALL and some class members knew that excess tithing proceeds would be temporarily invested, but not used for commercial development. Most all Plaintiffs had been told by local lay leaders that funds from tithing were never commingled with profit from LDS businesses.

353. Finally, damages suffered by members of the Class are of the same type: money in the form of tithing paid and other expenses (mission expense, Church school tuition, lost opportunity expense, counseling for emotional distress, familial destruction, and divorce) in reliance on COP's misrepresentations and concealment of LDS origins, including Smith's character, and are readily calculable.

354. Adequate Representation: Plaintiffs GADDY, SMALL and HARRIS will fairly and adequately represent and protect the interests of the Class. GADDY and SMALL were leaders who served in various Church callings. Plaintiffs' counsel has more than 30 years' experience as a civil litigation attorney having practiced in both Utah and California, experience in multiparty litigation from both a defense and Plaintiff side, and class action experience. Neither GADDY, SMALL nor HARRIS, nor their counsel, has any interest adverse to the Class. Neither does Defendant have any defense unique to GADDY, SMALL or HARRIS. Plaintiffs and their

¹⁰⁶ *LDSPFCR* is Exhibit 1 to the proposed 2AC and can also be downloaded here:
https://faenrandir.github.io/a_careful_examination/documents/faith_crisis_study/Faith_Crisis_R28e.pdf

counsel are committed to vigorously prosecuting this action on behalf of the members of the Class and have the resources to do so.

355. Appropriateness per Fed. R. Civ. P. 23 (b) (1): Prosecuting separate actions by individual class members would create a risk of: (A) inconsistent or varying adjudications with respect to individual class members that would establish incompatible standards of conduct for the party opposing the class; and (B) adjudications with respect to individual class members that, as a practical matter, would be dispositive of the interests of other members not parties to the individual adjudications or would substantially impair or impede their ability to protect their interests.

356. Defendant's business propaganda practices have been promulgated, apply to, and have affected the members of the Class uniformly, and named Plaintiffs' challenge of those practices and claim for damages as a result of those longstanding practices hinges on Defendant's conduct with respect to the Class as a whole, not on facts or law applicable only to GADDY, SMALL and/or HARRIS. Additionally, the damages suffered by individual members of the Class will likely be small relative to the burden and expense of individual prosecution of the complex and protracted litigation necessitated by Defendant's actions/omissions.

357. Upon information and belief, COP is worth in excess of \$400 billion dollars and has access to the best attorneys in the United States. Thus, it would be virtually impossible for the members of the putative Class to obtain effective relief from COP's fraud on an individual basis. A class action provides the benefits of single adjudication, economies of scale, and comprehensive supervision by a single court. Economies of time, effort, and expense will be fostered, and uniformity of decisions will be ensured, especially given that appeals are likely.

358. Fed. R. Civ. P. 23(b) additional pertinent matters. A class action is superior to other available methods for fairly and efficiently adjudicating the controversy in that it would be judicially expeditious for the matter to be litigated in this particular forum, given it is the location of Defendant's home office and leaders and that most of its actions/omissions occurred in this jurisdiction. Furthermore, upon information and belief, the majority of the witnesses to said actions are located within this forum or very nearby.

359. Fed. R. Civ. P. 23(c) notice to potential class members: Upon information and belief, notice required per this subsection can be easily accomplished as described in the numerosity section above. Notice in compliance with the above section can be accomplished through discovery requests to Defendant to identify those who have resigned through COP's membership rolls. It is widely known that COP maintains records on those who have resigned, often sending representatives to those members who have moved and/or become inactive or resigned months and even years after the members' activity has ceased. Additionally, there are numerous social media sites supportive of former LDS members and the crises they have experienced.

FIRST CAUSE OF ACTION:

FRAUD IN THE INDUCEMENT TO ENTER INTO AN ORAL CONTRACT

360. Plaintiff incorporates paragraphs 1-359 above as though fully set forth herein.

361. Defendant represented that the Book of Mormon was translated in the literal sense of the word directly from gold plates.

362. Defendant has now admitted that this representation is false in that LDS President Russell M. Nelson said and demonstrated that "We" [defendant] know that Smith placed a stone(s) in a

hat and dictated the Book of Mormon manuscript without looking at the plates that were “usually covered.”

363. This is a fact that requires no adjudication because it has been admitted.

364. Defendant has admitted that Smith engaged in the practice of polygamy with dozens of women, i.e. that he did not live monogamously. This is arguably a secular fact, because of adultery laws, but also it’s a religious fact that requires no adjudication regarding the truth or falsity of the matter; it was admitted in COP’s essay about plural marriage in Kirtland, Ohio.

365. Defendant made the representations as specifically described above through correlated rhetoric in the above referenced paragraphs. And/or

366. COP made representations as more fully described in ¶¶ [229-230](#), [233](#), [237-238](#), [244-245](#), [258](#), [260](#), [239](#), [273](#), and [283-284](#), that no tithing was used for City Creek Mall and that tithing is [only] used for Church [reasonably interpreted as religious] purposes and activities. Upon information and belief, when each of those representations were made Defendant was using tithing for commercial real estate deals and commercial investments and other non-religious and non-charitable purposes.

367. Alternatively, for all relevant times, Defendant listed, “purity of doctrine” as the first purpose of Correlation. COP has argued that the representations at issue in this case are beliefs or doctrine. “Pure” means unadulterated, free from foreign or in this context, and given the promise to never lead members ashtray, corrupt information. It is more than an imprimatur; it is an endorsement that what is “correlated” is believed by the Brethren, those fifteen men in charge of Correlation.

368. COP's Brethren have ultimate approval of correlated rhetoric. As alleged, this includes artwork, which is not merely a matter of artistic taste, but has been intentionally commissioned and created to depict Smith translating directly from gold plates used ubiquitously as propaganda in all educational manuals, including those used by missionaries, which are provided to the local wards and branches for teaching LDS members and extensively in *Ensign* magazines. It also includes the film *Joseph Smith: Prophet of the Restoration*, depicting Smith as having just one wife, Emma Hale, and the 2004 and 2007 Sunday School manuals referencing Smith as married to Emma Hale, with no mention of his adulterous relationships only later called polygamy.

369. Correlation's rhetoric is the Brethren's rhetoric. It was and is therefore reasonable for GADDY, HARRIS, and SMALL and potential Class members to infer that the Brethren's beliefs are coextensive with the correlated rhetoric that they approve[d].

370. COP corporate leader-agents, including the Brethren and those in charge of Correlation, are charged with knowing about the seer stone(s) and Andrew Jenson's 19th Century documentation of 27 of Smith's plural wives, among the other material artifacts, original manuscripts, documents, and other important items and information contained in their archives.

371. Defendant's use of correlated material, including how tithing was used, claimed by them to represent "purity of doctrine" [which also included Mormon history, LDS scriptural origins, and Smith's marital status] together with their instructions to all teachers and missionaries to teach only correlated materials, that the Brethren would never lead them astray, and that honesty includes full disclosure, gave rise to a reasonable inference by Plaintiffs and the prospective class that the Brethren and those in charge of Correlation, including but not limited to President Nelson, counselors Oaks and Eyring, and those who had come before who directed Correlation

from the outset, *sincerely believed in the message of the correlated material that they promulgated.* The ongoing and ubiquitous promise never to lead members astray must at least mean that the Brethren would act in good faith toward members with respect to correlated rhetoric and material required to be used by all LDS members to the exclusion of other materials.

372. The correlated representations set forth above were about a presently existing facts about how the Book of Mormon was translated and Smith's practice of polygamy; and/or

373. The correlated representations set forth above were about a presently existing fact in that they were about the Brethren's collective states of mind: that they believed Smith translated in the typical or literal sense of the word, the Book of Mormon directly from open gold plates and that Smith lived as a monogamist with his only wife Emma Hale.

374. The Brethren's collective states of mind were material to young people and potential converts, who committed or were considering committing their lives to the church. And/or,

375. As more particularly described in the preceding paragraphs and in particular ¶[237](#) and ¶[244](#), the Brethren and those COP agents involved in LDS Church finance who represented that tithing was not, or is not used for City Creek Mall were about a presently existing material fact about how named Plaintiffs' and potential class members' tithing is or was being used.

Defendant's repeated denials that no tithing was used for City Creek Mall led Plaintiffs to assume that their tithing was only used for ecclesiastical purpose as they had long believed.

Despite the references to "income" and "invested reserve funds" in Hinckley's 1995 and/or 1991 priesthood speeches, the overwhelming number of representations both before and after re: tithing use invalidate any disclosure made to the priesthood. "Invested reserve funds" is a phrase

that none one of the named Plaintiffs associated with titling donations. Upon information and believe, it is also true of potential class members.

376. A reasonable inference was drawn by all Plaintiffs, current and potential, that the Brethren believed the correlated representation that Smith translated the Book of Mormon directly from open gold plates and that he was married to just one woman.

377. Plaintiffs recently discovered that the Brethren could not have sincerely believed the above representations due to the contents of their archives, including the brown stone and the 1887 account by Andrew Jenson because the Brethren, current and past, together with each of those in charge of Correlation, knew or should have known about the concealed stones, artifacts, original manuscripts, documents and information in COP archives, the appreciation of which gives rise to an inference of a completely diffident process used to create the Book of Mormon and a completely different character for their founder, Joseph Smith, which is materially contradictory to the traditional correlated narrative created by the Brethren and their agents.

378. These correlated representations were learned, and in turn taught by young missionaries including GADDY and SMALL and many prospective class members, to potential converts.

379. The representations were false because the Brethren, current and past, along with others in charge of Correlation, given its archival contents of key stones, artifacts, original manuscripts, documents, and information, did not believe the above listed representations in the correlated rhetoric which they approve[d] and taught.

380. Alternatively, the representations were false because the Brethren, current and past, together with each of those in charge of Correlation approved the above listed items of correlated rhetoric and materials and communicated a believing state of mind recklessly, without regard for

the stones, artifacts, original manuscripts, documents, and other important information in LDS archives; And/or,

381. The representations about tithing use were false because the Brethren, current and past, and COP agents who engaged in rhetoric about Church finances as related to tithing knew that from at least 2003 to 2012, and upon information and belief, for decades prior, that tithing is used by COP for commercial purposes, including but not limited to the development of City Creek shopping mall in Salt Lake City and the bailout of Beneficial life Insurance, both profit-making COP companies.

382. Alternatively, the above representations that tithing was or is not used for City Creek Mall were false because the Brethren, current and past, and COP agents who engaged in rhetoric about Church finances as related to City Creek made the representations recklessly without regard for how COP financed the mall.

383. LDS doctrines of honesty and free agency as more fully explained above, are sincerely held religious beliefs that at all relevant times were and continue to be at odds with a practice of creating and maintaining a correlated scheme to deceive members about LDS origins as embodied in the traditional historical narrative. As such, COP did/does not have a “sincere religious belief” in deceiving Plaintiffs about LDS history, including Smith’s character. And/or

384. COP corporate leader-agents, including the Brethren and those in charge of finance did not have a “sincere religious belief” in misrepresenting how tithing is used. Doctrines of honesty and free agency as more fully explained above are sincerely held religious beliefs that at all relevant times were at odds with deceiving members about how their tithing was used.

385. COP required a full tithe in order to acquire and maintain temple recommends and/or be baptized and have ongoing access to an LDS temple in order to ensure one's family is together in the afterlife and does not burn at the second coming of Jesus Christ. COP made all of the above representations intending that Plaintiffs, including potential class Plaintiffs, would rely on those representations, to induce all Plaintiffs to tithe so that they could increase its business empire.

386. Defendants, by and through its above-described agents, made the correlated representations to induce all Plaintiffs to enter into an oral contract with Defendant who offered an LDS temple recommend on the condition that Plaintiffs answer affirmatively the question: "Do you have a testimony of the Restoration of the gospel of Jesus Christ [as embodied in the LDS Church]?" and/or similar questions that required Plaintiffs' belief that Smith was a prophet and in LDS theology. And, that Plaintiffs commit to pay a full tithe, defined as 10% of their income, to COP via their local leaders and/or as a COP imposed condition of membership in the LDS Church. The recommend was/is renewable upon the condition that Plaintiffs continue to pay a full tithe and profess faith in the religion.

387. COP agent leaders made the representations as to their collective belief in the Book of Mormon translation process and Smith's monogamy in order to induce Plaintiffs to enter into the oral contract so that it would maintain a steady stream of tithing proceeds not only to fund their religion but to use for commercial purposes in building the Mormon Corporate Empire. And/or,

388. COP agent leaders made the representations as to City Creek Mall in order to induce Plaintiffs to enter into the oral contract so that it could maintain a steady stream of tithing proceeds to use for commercial purposes in building and maintaining the Empire.

389. Through their representations COP induced Plaintiffs to believe that LDS theology was as a more reasonable and mainstream option for religious participation than it would otherwise have been if Plaintiffs had known that their ostensibly righteous and honest leaders did not believe the direct translation direct from gold plates nor in Smith's monogamy. And/or,

390. Through their representations, COP obtained Plaintiffs' compliance with their scheme and induced them to believe that tithing was used only for ecclesiastical purposes, meaning that it was used to advance the three-fold mission (now called purpose) of the Church to: proclaim the gospel, perfect the Saints, and redeem the dead, and care for the poor and needy. None of these purposes contemplate using tithing for commercial endeavors to expand a business empire.

391. Plaintiffs reasonably relied on these representations without knowledge of the fact that the Brethren did not believe what they taught. They reasonably relied on the representations to formulate an opinion that Smith was a prophet and founder of LDS theology which was the restored gospel of Jesus Christ. On that basis, Plaintiffs entered into ongoing oral contracts, paying up to 10% of their income as a full tithe in order to obtain and maintain a temple recommend, and/or be baptized.

392. Plaintiffs reasonably relied on the correlated representations without knowledge that the Brethren and COP agents did not believe in the aforesaid representations that is, without knowledge of the Brethren's true states of mind with re: the same, which although may not have been to intentionally harm Plaintiffs, was one of assuming an *in loco parentis* role, to deceive Plaintiffs' "for their own good," and/or to expand their commercial Empire. And/or,

393. Plaintiffs reasonably relied on the representations as to how their tithe is used without knowledge of their falsity and entered into ongoing oral contracts, paying up to 10% of their income as a full tithe in order to obtain and maintain a temple recommend, and/or be baptized.

394. The contract was continuing and bilateral in that each party had simultaneous duties to perform. Each year the bishop and/or other local leaders of the ward interviewed Plaintiffs at “tithe settlement” where Plaintiffs’ were required to affirm that they paid a full tithe for that year. If they could not so state, their temple recommend could not be renewed.

395. Plaintiffs would not have entered into the contract had they known that their leaders, those in charge of Correlation, including but not limited to Nelson, Oaks and Eyring, and/or those leaders who came before them, and their agents, did not believe in the Book of Mormon translation process depicted in the art for the last 50 years and/or that Smith was a monogamist, which had been taught to Plaintiffs since before they committed to the Church. And/or,

396. Plaintiffs would not have entered into the contract had they known that a substantial portion of their tithe was used for the of City Creek Mall and/ or that the Brethren did not believe that no tithe was used in the development of City Creek Mall.

397. But for Defendant’s above described conduct, Plaintiffs would not have committed to the COJCOLDs to the degree that they did, if at all, and said conduct was a substantial factor in bringing about Plaintiffs’ injuries which are of a type that a reasonable person would foresee as a likely result of his or her conduct.

398. Wherefore, since Plaintiffs’ tort claims are not entirely duplicative of their oral contract claims, GADDY, SMALL and HARRIS, individually, and on behalf of the potential Class, elect to sue for damages for fraudulent inducement to contract as allowed under Utah or appropriate

Law, not limited to those circumscribed by the economic loss rule, to include general and punitive damages as more fully detailed in the Prayer for Damages, below.¹⁰⁷

SECOND CAUSE OF ACTION: FRAUDULENT NONDISCLOSURE (BREACH OF DUTY TO DISCLOSE MATERIAL INFORMATION—no intent required)

399. Plaintiffs hereby incorporate paragraphs 1-398 above as though fully set forth herein.

400. Plaintiffs entered into a business transaction with COP relying upon representations which Defendant knew to be materially misleading because of its failure to provide qualifying material.

401. Plaintiffs were in privity of contract with COP because Plaintiffs tithed and/or made a promise to do so, as consideration for a temple recommend and/or membership in the Church.

402. Under Utah law, Plaintiffs were in a confidential relationship that gave rise to Defendant's duty to disclose material facts to Plaintiffs. The duty arose due to the following aspects about the nature of that relationship: COP by and through the Brethren and other leader-agents engaged in rhetoric inviting members to trust its leaders by promising that they would never lead them astray (See Invitation to Trust Table above in ¶144); Plaintiffs were in privity of contract with COP as more fully described in the First Cause of Action; the relationship between Plaintiffs and the Brethren and other COP leader agents was generally imbalanced as a result of vast discrepancies in age, knowledge of the contents of LDS archives and academic Mormon literature, influence, bargaining power, and sophistication. Additionally, Plaintiffs had been subjected to ongoing numerous misleading or partial representations promulgated by COP. All of

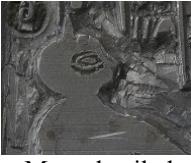
¹⁰⁷ See HealthBanc Int'l, LLC v. Synergy Worldwide, Inc., 2018 UT 61, 435 P.3d 193

these factors, taken together, gave rise to COP's duty to fairly and fully disclose information material to Plaintiffs' decision to join, and/or commit more deeply as young adults through temple endowments as required for missions and temple marriage and/or to remain in the LDS Church.

403. The physical items that Defendant failed to disclose, which are in its vault or archives are summarized in the table below. This is not a complete list for only Defendant knows the extent of the material items, including stones, artifacts, primary manuscripts, documents, and other information it has in its archives.

404. TABLE OF NON-DISCLOSED OR INTENTIONALLY CONCEALED ITEMS

ITEM	DESCRIPTION	MATERIALITY	CUSTODY	DISCLOSED by Church	EVIDENCE OF CONCEALMENT
Stone or rock, used by Smith to attempt to find treasure (1826 proceeding) and dictate the Book of Mormon while it was placed in a hat.	Opaque brown jasper 	Concededly used from which to dictate the Book of Mormon	Sometime between the 1877 death of Brigham Young to 1901 death of Zina, one of his wives.	August 4, 2015. COP admits "first time ever" photo.	Previously, no full or fair disclosure of the brown stone in correlated materials since Correlation was created. Apostle Richards denies church has custody.
ITEM	DESCRIPTION	MATERIALITY	CUSTODY	DISCLOSED by CHURCH	EVIDENCE OF CONCEALMENT
1832. Only Handwritten First Vision account by Smith. Earliest record after its alleged	Smith's only handwritten account: " I saw the Lord and he spake unto me saying Joseph < my son> thy	In contrast to the correlated First Vision version, it describes only one personage, the Lord. No mention that	The ledger book in which Smith wrote his 1832 account has been in Defendant's custody since	Jan. 1985 <i>Ensign</i> refers to 1832 account but actual document or hiding	LDS President Joseph Fielding Smith ripped out the account that was in Smith's ledger book. It was later taped

occurrence in 1820.	sins are forgiven thee.	all [other] creeds are false.	the document was created.	of it is not disclosed. Next correlated reference is not until about 40 years later.	back in. No reference by COP except in 1985. All correlated art work shows two personages in contradiction to the 1832 account.
Printing plate for Book of Abraham Facsimile no.3	Printing plate for Book of Abraham Facsimile no.3. This is metal as opposed to wood. Prior to this disclosure in late 2018 devices used to print the facsimiles were described as woodcuts.  More detailed explanation & large picture of above is in ¶276-281	Metal plate reveals scrape marks and errant ear, likely from jackal-headed Egyptian god, Anubis, likely originally pictured on papyrus from which Smith claimed he translated the Book of Abraham. altered to depict the figure 6 slave.	1858	October 29, 2018	<i>Plate cataloged by LDS Historian's Office in 1858. By 1992, the plates for Facsimiles 1 and 2 had been processed at the museum. The plate for Facsimile 3, which had been deaccessioned by the LDS history museum at an unknown time, was acquired by Church History Dept. in 2009.</i>
ITEM	DESCRIPTION	MATERIALITY	CUSTODY	DISCLOSED by CHURCH	EVIDENCE OF CONCEALMENT
Smith's Polygamy documentation.	Andrew Jenson's account of Smith's 27 wives.	Jenson was an historian employed and paid by the Church.	Its creation in 1887.	Full document never disclosed in correlated materials.	Only excerpts from the document have been cited as footnotes in buried 2014 polygamy essay.

Temple Lot case affidavits	"Wives" of Smith describe sexual relationships in order to rebut RLDS claim that Smith was intimate only with Emma.	Affidavits made at the direction of then LDS President Joseph Fielding Smith Sr.	1869 Joseph Fielding Smith, Sr. obtained affidavits, or directed that they be obtained.	Never, though the temple lot transcript is referenced on LDS.org	Location of affidavits could be buried in thousands of pages of trial transcript and exhibits. No separate known identification available to review.
William Clayton Journals	Wm. Clayton was Smith's personal scribe for years 1843- to Smith's death in 1844. These are the 1843-1844 journals.	"...you have a right to get all [women/wives] you can."— Smith to Clayton, August, 1843	Incomplete Journals originally published. Omitted are years 1843-44.	Later, released by JSP – Nauvoo Counsel of 50 minutes, only.	Pages of journals from last two years obtained from BYU student and circulated to some secretly circa 1982. Most copies destroyed.
Smith's Jupiter Talisman 	Worn daily as an adult, according to his wife, Emma Hale.	Demonstrates Smith's belief in folk magic/ and astrology	Upon info. and belief, COP has the talisman or had chances to purchase it from at least the mid-20 th Century.	Never. Believed now to be in a private collection.	Never mentioned in correlated materials. Upon info. & belief, COP never tried to buy from private party.
ITEM	DESCRIPTION	MATERIALITY	CUSTODY	Disclosure	EVIDENCE OF CONCEALMENT
Smith's Egyptian Grammar and Alphabet	Smith's notes made in conjunction with his Book of	Shows Smith's ignorance of Egyptian hieratics.	In Church custody from the document's	Circa 2018 in JSP volume about	Not disclosed until 2018 and then only in the JSP. Never

	Abraham translation		creation circa 1842	Book of Abraham	in correlated materials.
Smith's original journals/ledgers.	All of Smith's writings and those he dictated.	Joseph Smith's thoughts and admissions.* E.g. "...as a body of people [his congregation are] the greatest dupes that ever were..." Smith 1843	Believed to be in Church archives since creation of journals and ledgers or within 10-15 years thereafter.	2008 to present. <i>JSP hard copies sold at about \$100 each.</i> <i>*Some excerpts have been excluded.</i>	Only relatively recently released and inaccessible except for a brief time in the early 1970s.
Soon after a March 2013 Meeting	EPA's President Roger Clarke	Clarke shows slide at March 2013 indicating that City Creek Mall and Beneficial Life Co. were two examples	Slide and other documentation in COP's custody.	Soon after a March 2013, attended by EPA employee David A. Nielsen.	It was important that people should not know EPA's role as the source of the [City Creek Mall] funds.

405. The important facts that COP failed to disclose are the following: that in or before 1901 Church leadership gained custody and control of the brown opaque stone that all eyewitnesses except Smith claim was used by Smith while placed in a hat, no gold plates in sight, to create the *Book of Mormon*; that COP has had the only handwritten and original account of his First Vision by Mormon founder Joseph Smith for over 100 years if not from the very beginning of Mormon history, which account differs in significant ways from the correlated version in that Smith claims to have seen only the Lord (not two personages) who forgave him of his sins (no mention of the statement that all other creeds were false, as is included in the correlated version of the First Vision); that the Church has had since their creation in 1835 original manuscripts of the

Book of Abraham and Smith's Egyptian Grammar and Alphabet;¹⁰⁸ that Egyptologists, including LDS Egyptologists, agree that the *Book of Abraham* facsimiles do not depict the Hebrew Prophet Abraham nor the events in his life; that the existence of the metal printing plate used in facsimile no. 3 that shows scrape marks where the Egyptian God Anubis' snout was likely removed, and what appears to be Anubis' ear in profile (compared to what one might think was an errant spike on top of the slave's head from a woodcut sliver—which is how the source for facsimile printing had been described prior to Oct. 29, 2018); that Smith committed prolific adultery, only later characterized as polygamy (including to 14-year-old girls) and polyandry (marrying other men's wives), while married to Emma Hale and in violation of state laws; that Smith engaged in folk magic during the time he was contemplating retrieving the gold plates, using the same stones he used to "translate" LDS scripture.

406. COP also failed to disclose that none of the artwork contained in the correlated traditional narrative as promulgated in manuals, the *Ensign* monthly magazine, and publications over the last more than half a century fairly depicts the information contained through a knowledge of the stones, artifacts, original manuscripts, documents and/or other material information that has been in Defendant's archives. And/or,

407. COP failed to disclose Smith's long history of violating criminal and civil fraud laws and escaping the laws of the land. (See Table of Crimes and Civil Frauds ¶36 above). And/or,

¹⁰⁸ "Grammar and Alphabet of the Egyptian Language, circa July–circa November 1835," *The Joseph Smith Papers*, accessed March 15, 2021, <https://www.josephsmithpapers.org/paper-summary/grammar-and-alphabet-of-the-egyptian-language-circa-july-circa-november-1835/1> (See Exhibit 4, filed with this complaint.)

408. Defendant failed to disclose that a substantial part of tithing is used to fund and/or develop commercial projects, including but not limited to City Creek Mail development, the bailout of Beneficial Life Insurance Co. and many other projects over the last 50 years or more.

409. For all relevant time periods, COP has known about the existence of the stones, artifacts, documents, original manuscripts, the material information about LDS history, source of its scripture; and/or

410. For all relevant time periods, COP has known about Smith's criminal history and history of civil fraud more fully described above, that it has concealed for over a half century. And/or

411. For all relevant time periods, COP knowingly used tithing for commercial purposes.

412. Plaintiffs did not know about the existence of the stones, artifacts, original manuscripts, documents, and information described above that COP failed to disclose. And/or,

413. Plaintiffs did not know about Smith's lengthy criminal and civil fraud history because Defendant either omitted any reference to it in any correlated material. Or it referenced his legal history as involving Smith in "unfair charges," and "vexatious lawsuits" thereby characterizing Smith as a victim instead of a perpetrator of crimes and civil fraud. Plaintiffs had no reason to research about Smith's legal history since his character had always been extolled by Defendant as one who should be emulated and compared as to "Second only Jesus Christ." And since Plaintiffs reasonably believed that COP's Brethren would act in good faith toward them; And/or,

414. Plaintiffs did not know about COP's use of tithing for commercial purposes.

415. Had COP disclosed the existence of the stones, artifacts, original manuscripts, documents, and information more specifically itemized above, Plaintiffs would not have paid tithing and otherwise dedicated their lives and financial support to the COJCOLDs since the

information and items contained in Defendant's archives differed in significant respects from what COP promulgated in its written and spoken correlated rhetoric. And the correlated artwork and film depictions differ radically from what one acting in good faith would have depicted. Had Plaintiffs been privy to the items and information concealed in Defendant's archives as more fully described above, they would not have committed to the COJCOLDs. And/or,

416. Had Defendant during the relevant time period, fully and fairly disclosed Smith's long history of crimes and civil frauds and running from the law, including but not limited to being convicted of crimes some involving fraud and sued civilly for fraud, committed adultery unknown to his only legal wife Emma, and denied bankruptcy because of fraudulent transfers as more specifically detailed above, Plaintiffs would not have paid tithing and otherwise dedicated their lives and financial support to the COJCOLDs. And/or

417. COP's failure to disclose how it used tithing for commercial ventures was a substantial factor in causing Plaintiffs' injuries and damages in that had that fact been disclosed and had they known that Defendant was stockpiling tens of billions of dollars, much of which appears to have been initially funded from at least interest on surplus tithing donations, if not tithing principal, Named Plaintiffs would not have paid tithing to the COJCOLDs. Upon information and belief, almost all potential members of the class would also have stopped tithing had they known the above. A very few members of the potential class, upon information and belief, less than a single digit percent, had they known the above, but not about the misrepresentations in the historical narrative and Smith's character, i.e., had they not yet discovered the issues with the orthodox narrative, might have paid a reduced the amount of tithing and would have begun questioning the Brethren's and Smith's motives leading to research outside the parameters of

correlated or Church approved documents, much earlier than they did, thereby saving them years of wasted commitment to a fraud, had they known that COP.

418. Plaintiffs' injuries and damages are a direct result and/or a reasonably probable consequence of the failure to disclose.

419. Defendant's failure to disclose conduct was a substantial factor in bringing about Plaintiffs' injuries which are of a type that a reasonable person would foresee as a likely result of his or her conduct.

420. GADDY, SMALL HARRIS and others like them as well as potential class members, Plaintiffs herein, were damaged as a result of COP's failure to disclose any or all the above stones, artifacts, original manuscripts, documents, and information. And/or,

421. GADDY, HARRIS AND SMALL and others like them, were damaged as a result of COP's failure to disclose Smith's criminal and civil fraud history and running from the law; And/or

422. GADDY, HARRIS AND SMALL and others like Plaintiffs herein, were damaged as a result of COP's failure to disclose of its use of tithing for commercial purposes.

423. Named Plaintiffs and those like them as potential class members have suffered damages, including general damages for emotional distress and special damages for tithing paid and the value of services rendered to COP, including but not limited to missionary service, tuition for attending an LDS affiliated school and therapy or counseling expense, and the value of lost opportunity based on the lack of disclosure.

THIRD CAUSE OF ACTION: FRAUDULENT CONCEALMENT (INTENTIONAL)

424. Plaintiffs hereby incorporate paragraphs 1-423 above as though fully set forth herein.

425. COP by and through the Brethren and its agent leaders “made use of a device that misled, some trick or contrivance intended to exclude suspicion and prevent inquiry,” which constitutes fraudulent concealment under Jensen v. IHC Hosps., Inc., 944 P.2d 327, 333 (Utah 1997), on reh'g (Aug. 22, 1997), in that COP consciously concocted a correlated traditional historical narrative of Mormon history and LDS origins, which included Smith’s character, divorced from what a reasonable narrative of that history would have been, had the existence of the stones, artifacts, original manuscripts, documents and information concealed in its archives and information concealed by Defendant been known by Plaintiffs.

426. COP engaged in this deceptive scheme while simultaneously urging members to trust the Brethren and COP leader-agents, and while teaching the principles of honesty, including full disclosure, and free agency ([See Invitation to Trust Table ¶144](#)) And/or,

427. COP by and through the Brethren and its agent leaders “made use of a device that misled, some trick or contrivance intended to exclude suspicion and prevent inquiry,” which constitutes fraudulent concealment under Jensen v. IHC Hosps., Inc., 944 P.2d 327, 333 (Utah 1997), on reh'g (Aug. 22, 1997), in that COP assured Plaintiffs that the founder of the Mormon religion was a man second only to Jesus Christ, was one whose moral character was to be emulated and one who was a victim of “illegal charges” and “vexatious lawsuits” instead of a perpetrator and instigator and defendant in the criminal and civil justice system, as more fully described in [¶36](#), [Table of Crimes and Civil Frauds](#). And/or

428. COP by and through the Brethren and its agent leaders “made use of a device that misled, some trick or contrivance intended to exclude suspicion and prevent inquiry,” which constitutes fraudulent concealment under *Jensen v. IHC Hosps., Inc.*, 944 P.2d 327, 333 (Utah 1997), on reh'g (Aug. 22, 1997), in that COP assured Plaintiffs that their tithe was used for church [reasonably interpreted to mean religious] purposes and activities, concealing that it was also used for profit-making investments and commercial enterprise development.

429. The important facts that COP concealed are the following: that in or before 1901 Church leadership gained custody and control of the brown opaque stone that eyewitnesses claim was used by Smith while placed in a hat, no gold plates in sight, to create the *Book of Mormon*; that COP has had the only handwritten and original account of his First Vision by Mormon founder Joseph Smith for over 100 years if not from the very beginning of Mormon history, which account differs in significant ways from the correlated version in that Smith claims to have seen only the Lord (not two personages) who forgave him of his sins (no mention of the statement that all other creeds were false, as is included in the correlated version of the First Vision); that the Church has had since their creation, original manuscripts of the *Book of Abraham* and Smith’s Egyptian Alphabet and Grammar¹⁰⁹; that Egyptologists, including LDS Egyptologists, agree that the *Book of Abraham* facsimiles do not depict the Hebrew Prophet Abraham nor the events in his life; the existence of the metal printing plate used in facsimile no. 3 that shows scrape marks where the Egyptian God Anubis’ snout was likely removed, and what appears to be Anubis’ ear

¹⁰⁹ "Grammar and Alphabet of the Egyptian Language, circa July–circa November 1835," *The Joseph Smith Papers*, accessed March 15, 2021, <https://www.josephsmithpapers.org/paper-summary/grammar-and-alphabet-of-the-egyptian-language-circa-july-circa-november-1835/1> (See Exhibit 4, filed with this complaint.)

in profile (compared to what one might think was an errant spike on top of the slave’s head from a woodcut sliver—which is how the source for facsimile printing had been described prior to Oct. 29, 2018); that Smith committed prolific adultery, only later characterized as polygamy (including to 14-year-old girls) and polyandry (marrying other men’s wives), while married to Emma Hale and in violation of state laws; that Smith engaged in folk magic during the time he was contemplating retrieving the gold plates, using the same stones he used to “translate” LDS scripture; that Smith was convicted of fraud in 1826, a year before he obtained the gold plates; that he was convicted of running an illegal bank, that he was sued by former members for their losses from that illegal bank, that he was denied discharge in bankruptcy because he fraudulently transferred his assets shortly before he filed the bankruptcy petition, that he pleaded guilty to assault, that he destroyed a the private property of a printing press owned by his former counselor in the church because he did not like exposure of his crimes and character in the article written and printed by the press’s owner, that he had been indicted for treason numerous times and that was the reason he was in Carthage jail at the time he was killed. That he had been charged with numerous other crimes, convicted of some, acquitted of some, and fled the court’s jurisdiction in others. See table of concealed items and information in ¶404 above.

430. The artwork contained in the correlated traditional narrative as promulgated in manuals, displayed in chapels and visitor’s centers, published in the *Ensign* monthly magazine, Sunday school, missionary and other instructional manuals, and publications over the last more than half a century concealed that a stone was placed in a hat from which dictated the Book of Mormon and that only one personage appeared to Smith in his 1820 vision. That art, commissioned to specifically exclude the concealed items and information, and promulgated widely by COP, does

not fairly depict the information gleaned through a knowledge of the stones, artifacts, original manuscripts, documents and/or other information that Defendant concealed in its archives.

And/or,

431. Defendant concealed Smith's lengthy criminal and civil fraud history, as set forth in the Table of Smith's Crimes and Civil Frauds at ¶36 above.

432. Defendant concealed that tithing is used for commercial projects, including but not limited to City Creek Mail development, the bailout of Beneficial Life Insurance Co. and other commercial projects it has funded and/or developed and or even manages, throughout the United States and globally.

433. For all relevant time periods, COP has known about the existence of the stones, artifacts, documents, original manuscripts, and other information more fully described above, that it has concealed for over a half century. And/or

434. For all relevant time periods, COP has known about Smith's criminal convictions, fines, secret adultery, civil frauds, including fraudulent transfers that prevented his bankruptcy.

435. For all relevant time periods, COP knowingly used tithing for commercial purposes.

436. Plaintiffs did not know about the existence of the stones, artifacts, original manuscripts, documents, and information described above that has been concealed by COP for over a half century. And/or,

437. Plaintiffs did not know about Smith's lengthy criminal and civil fraud history since he was always described as a victim of the legal system, not a perpetrator of crimes and torts.

And/or,

438. Plaintiffs did not know about COP's use of tithing principal for commercial purposes.

439. COP's concealment of the existence of the stones, tools, artifacts, original manuscripts, documents, and information itemized above, were matters known to it that it knew to be necessary to disclose to its members and potential members to prevent its partial or ambiguous representations of LDS history, including the character of its founding prophet, Smith, from being misleading. And/or,

440. COP's concealment of Smith's Crimes and Civil Frauds and long history with the law as detailed in paragraph ¶36 above, were facts known to it that it knew to be necessary to fully and fairly disclose to its members to prevent its partial or ambiguous representations about Smith and the law from being misleading. And/or,

441. COP's concealment of the fact that tithing was used for commercial purposes were matters known to it that it knew to be necessary to fully and fairly disclose to its members to prevent its partial or ambiguous representations that tithing was used for Church purposes from being misleading.

442. Had COP fully and fairly revealed the existence of the stones, artifacts, original manuscripts, documents, and information more specifically itemized above, Plaintiffs would not have paid tithing and otherwise dedicated their lives and financial support to the COJCOLDs since the information and items contained in Defendant's archives differed in significant respects from what COP promulgated in its written and spoken correlated rhetoric. And the correlated artwork and film depictions differ radically from what one acting in good faith would have depicted. Had Plaintiffs been privy to the items and information concealed in Defendant's archives as more fully described above, they would not have committed to the COJCOLDs.

And/or,

443. Had Defendant during the relevant time period, fully and fairly revealed Smith's long history of crimes and civil frauds and running from the law, including but not limited to being convicted of crimes some involving fraud and sued civilly for fraud, committed adultery unknown to his only legal wife Emma, and denied bankruptcy because of fraudulent transfers as more specifically detailed above, Plaintiffs would not have paid tithing and otherwise dedicated their lives and financial support to the COJCOLDs. And/or

444. COP's concealment of the items and information itemized in paragraphs 404-407 above was a substantial factor in causing Plaintiffs' injuries and damages in that Plaintiffs would not have paid tithing to the COJCOLDs, or reduced the amount of tithing paid and/or questioned the Brethren's and Smith's motives leading to research outside the parameters of correlated or church-approved publications much earlier than they did, thereby saving them years of wasted commitment to a fraud, had they known about the items, information and facts described above.

And/or,

445. COP's intentional concealment about how it used tithing for commercial ventures was a substantial factor in causing Plaintiffs' injuries and damages in that had that fact been disclosed and had they known that Defendant was stockpiling tens of billions of dollars, much of which appears to have been initially funded from at least interest on surplus tithing donations, if not tithing principal, Named Plaintiffs would not have paid tithing to the COJCOLDs, Upon information and belief, almost all potential members of the class would also have stopped tithing had they known the above. A very few members of the potential class, upon information and belief, less than a single digit percent, had they known the above, but not about the misrepresentations in the historical narrative and Smith's character, i.e., had they not yet

discovered the issues with the orthodox narrative, might have paid a reduced the amount of tithing and would have begun questioning the Brethren's and Smith's motives leading to research outside the parameters of correlated or Church approved documents, much earlier than they did, thereby saving them years of wasted commitment to a fraud.

446. Plaintiffs' injuries and damages are a direct result and/or a reasonably probable consequence of the concealment of the above items and information. Defendant's conduct was a substantial factor in bringing about Plaintiffs' injuries which are of a type that a reasonable person would foresee as a likely result of his or her conduct.

447. GADDY, SMALL and HARRIS and others like her, Plaintiffs herein, were damaged as a result of COP's intentional concealment of any or all the above stones, artifacts, original manuscripts, documents, and information. And/or,

448. GADDY, SMALL and HARRIS and others like them, Plaintiffs herein, were damaged as a result of COP's intentional concealment of Smith's crimes and civil frauds as more fully described above. And/or,

449. GADDY, SMALL and HARRIS and others like, Plaintiffs herein, her were damaged as a result of COP's intentional concealment of its use of a substantial part of tithing for commercial purposes.

450. Plaintiffs have suffered damages, including general damages for emotional distress and special damages for tithing paid and the value of services rendered to COP, including but not limited to missionary service, tuition for attending an LDS affiliated school and therapy or counseling expense, and the value of lost opportunity and punitive damages, based on the concealment.

FOURTH CAUSE OF ACTION: CONSTRUCTIVE FRAUD BASED ON BREACH OF PROMISES OF FUTURE PERFORMANCE

451. Defendant invited the trust of GADDY, SMALL and HARRIS, potential class Plaintiffs and LDS members by promising never to lead them astray as itemized in the Invitation to Trust Table ¶144 above.

452. Through its local agent bishops and counselors, branch presidents and counselors, stake presidents and counselors and ward clerks, Defendant established confidential relationships with Plaintiffs when they interviewed Plaintiffs and each of them for baptism, whether at age eight or later in life, and for and GADDY, SMALL and HARRIS, all others similarly situated when interviewed for worthiness to obtain their temple endowment/recommend and renew it biennially thereafter.

453. Defendant exercised extraordinary influence over Plaintiffs including potential class members. Defendant was or should have been aware that Plaintiffs and each of them reposed trust and confidence in Defendant and its agents and reasonably relied on Defendant's guidance.

454. Defendant never intended to keep the promises made by the Brethren and its agents that they would not lead the members of the Church astray in that at the time those statements were made COP had in place their Correlation Department with which they intended and did in fact make both affirmative misrepresentations and failed to fully and fairly disclose and/or intentionally concealed material information that a reasonable person, including Plaintiffs herein, would want to know in order to commit to the COJCOLDS.

455. Defendant's leader agents made the promises itemized in the table of trust to never lead LDS members astray as well as other promise inviting trust made by its agents, for example that

“But I wish to give the entire Church the assurance that tithing funds have not and will not be used to acquire this property. Nor will they be used in developing it for commercial purposes,” (See ¶237 above, statement of Gordon Hinckley), for the purpose of deceiving Plaintiffs and those like them into trusting that Defendant’s leader agents would act, and did act, in good faith toward them so that Plaintiffs would continue to pay a full tithe thereby funding the Mormon Corporate Empire.

456. Defendant breached that promise to never lead Plaintiffs astray by not acting in good faith with regard to its characterization of Smith *vis a vis* secular laws as always being a victim and illegally charged, and by omitting and/or distorting Smith’s criminal and civil fraud history as more fully itemized in Smith’s Table of Crimes and Civil Frauds ¶36, above. And/or,

457. Defendant breached that promise to never lead Plaintiffs astray with regard to its representations and less than full and fair disclosure about what it had done, was doing, and intended to do with respect to Plaintiffs’ tithing; and

458. Plaintiffs would not have paid tithing and committed their lives and time to the COJCOLDs had COP fully and fairly disclosed the material items and information concealed, as more fully itemized above. And/or,

459. Plaintiffs would not have paid tithing and committed their lives and time to the COJCOLDs had COP fully and fairly disclosed Smith’s criminal and civil fraud history as itemized above; And or

460. COP’s claims to never lead members astray were made when it knew or should have known about tithing used for commercial ventures. This was a substantial factor in causing Plaintiffs’ injuries and damages in that had that fact been disclosed and had they known that

Defendant was stockpiling tens of billions of dollars, much of which appears to have been initially funded from at least interest on surplus tithing donations, if not tithing principal, Named Plaintiffs would not have paid tithing to the COJCOLDS, Upon information and belief, almost all potential members of the class would also have stopped tithing had they known the above. A very few members of the potential class, upon information and belief, less than a single digit percent, had they known the above, but not about the misrepresentations in the historical narrative and Smith's character, i.e., had they not yet discovered the issues with the orthodox narrative, might have paid a reduced the amount of tithing and would have begun questioning the Brethren's and Smith's motives leading to research outside the parameters of correlated or Church approved documents, much earlier than they did, thereby saving them years of wasted commitment to a fraud.

461. Defendant's conduct was a substantial factor in bringing about Plaintiffs' injuries.

462. Wherefore Plaintiffs and potential class members and each of them were damaged by Defendant's bad faith actions toward them and seek damages for tithing paid and the value of services rendered to COP, including but not limited to missionary service, tuition for attending an LDS affiliated school and therapy or counseling expense, and the value of lost opportunity and punitive damages, based on the bad faith actions of Defendant in leading them astray.

FIFTH CAUSE OF ACTION: VIOLATION OF THE UTAH CHARITABLE SOLICITATIONS ACT.

463. GADDY, SMALL and HARRIS reallege and incorporate by reference their allegations in paragraphs 1-462 above as if fully set forth herein.

464. COP, though exempt from registration, is subject to the *Utah Charitable Solicitations Act*, Utah Code Ann. § 13-22-1.

465. The Act requires in pertinent part that:

In connection with any solicitation, each of the following acts and practices is prohibited:....

(3) making any untrue statement of a material fact or failing to state a material fact necessary to make statements made, in the context of the circumstances under which they are made, not misleading, whether in connection with a charitable solicitation or a filing with the division...

Utah Code Ann. § 13-22-13.

466. At all relevant times, each year at General Conference COP's Brethren solicited the payment of tithing from Plaintiffs, and potential class members, at times going so far as to call tithing "fire insurance." Defendant characterized payment of a full tithe as fire insurance in several speeches and publications and in its ongoing scripture (D&C 85:3 and D&C 64:23-25) still taught to this day. "Tithing will keep your name enrolled among the people of God and protect you in 'the day of vengeance and burning' ([D&C 85:3](#))," says Elder Russell M. Nelson of the Quorum of the Twelve Apostles. Those tithed Not Burned at His Coming. ([D&C 64:23-25](#)) Pres Hinckley teaches that those tithed will not be burned at His coming in video apparently created in 2010 and continued to be available online as of July 31, 2019.

<https://www.churchofjesuschrist.org/media-library/video/2010-07-057-those-tithed-not-burned-at-his-coming?lang=eng#d>

467. In each issue of the *Ensign* magazine from 1971 onward, the Brethren solicited tithing from members either directly or implicitly by urging members to qualify for full temple access, where families could be together in the afterlife. These solicitations were also made through

COP publications and Sunday and other meetings by local lay leaders at the direction of COP's Brethren. Defendant urged even the poor and destitute to tithe and to pay tithing before paying bills and the necessities of living.

468. At General Conference and/or in COP publications and/or during solicitations by local leaders, material facts were omitted about LDS Church's key historical events, and the existence of stones, artifacts, original manuscripts, documents, and information related to the First Vision, the process by which LDS scripture was created and character of Joseph Smith, as more fully detailed above in the preceding paragraphs. And/or,

469. At General Conference and in COP publications and during solicitations by local leaders, material facts were omitted about Smith's history of criminal and civil fraud; And/or,

470. And/or, at General Conference and in COP publications and during solicitations by local leaders, material facts were omitted about how a substantial portion of tithing would be used to finance, develop, and even manage commercial projects.

471. At all relevant times, each year at General Conference COP's Brethren made solicitations for tithing to Plaintiff and others similarly situated, at times going so far as to call tithing "fire insurance." These solicitations were also made through COP publications and by local lay leaders at the direction of COP's Brethren. At General Conference and/or in COP publications and/or during solicitations by local leaders, the fact that tithing was used for commercial purposes was omitted.

472. Plaintiffs relied on these misrepresentations and rhetoric that omitted material facts, i.e., that COP had custody of certain concealed items and information material to LDS history; and/or

473. Plaintiffs relied on these misrepresentations and rhetoric that omitted that Smith was engaged in a long history of violating and running from criminal and civil fraud laws; and/or

474. Plaintiffs relied on these misrepresentations lacking a full and fair disclosure that COP used their tithing for commercial purposes, in deciding whether or not to donate to the Church.

475. The misrepresentations induced Plaintiffs and potential class members to act as they did by tithing to the LDS Church.

476. But for COP's failure to disclose the material facts and items about LDS history and/or Smith's criminal and civil fraud history, Plaintiffs and potential class members would not have dedicated their lives to the COJCOLDs and paid a full tithe. And/or

477. COP's failure to fully and fairly disclose how it used tithing for commercial purposes was a substantial factor in causing Plaintiffs' injuries and damages in that Plaintiffs would not have paid tithing to the COJCOLDs, or reduced the amount of tithing paid and/or questioned the Brethren's and Smith's motives leading to research outside the parameters of correlated or church approved documents, much earlier than they did, thereby saving them years of wasted commitment to a fraud, had they known that COP used a significant part of tithing to fund commercial ventures in order to expand the holdings of the Mormon Corporate Empire.

478. Defendant's conduct was a substantial factor in bringing about Plaintiffs' injuries.

479. Wherefore Plaintiffs and potential class members and each of them were damaged by Defendant's bad faith actions toward them and seek damages for tithing paid and the value of services rendered to COP, including but not limited to missionary service, tuition for attending an LDS affiliated school and therapy or counseling expense, and the value of lost opportunity and punitive damages, based on the bad faith actions of Defendant in leading them astray.

480. Plaintiff and others similarly situated were damaged in the cumulative amount of their tithing paid to Defendant.

SIXTH CAUSE OF ACTION: CIVIL RICO —18 U.S.C. § 1962(c)

481. GADDY, SMALL and HARRIS reallege and incorporate by reference her allegations in paragraphs 1-480 above as if fully set forth herein.

482. COP engaged in a scheme or schemes to defraud GADDY, SMALL and HARRIS and other potential class members by misrepresenting the cumulative states of mind of the Brethren with regard to their belief in the correlated representations identified above, and by concealing stones artifacts, original manuscripts, affidavits, documents, and information material to Plaintiffs' decision to comit the COJCOLDS as more fully described in the paragraphs above.

And/or

483. COP engaged in a scheme or schemes to defraud GADDY, SMALL and HARRIS and other potential class members by misrepresenting concealing Smith's treasure hunting and misrepresenting Smith's criminal and civil fraud history including extensive practice of adultery/polygamy. And/or,

484. COP engaged in a scheme or schemes to defraud GADDY, SMALL and HARRIS and other potential class members by concealing the fact that tithing was used for commercial purposes.

485. This longstanding correlated pattern of affirmative misrepresentations, omissions, and concealment by COP of the above referenced acts are those that a reasonable person would think material in the context of deciding whether to commit to the LDS Church. These facts have been known to COP from at least Correlations creation in 1961. COP knowingly devised or

knowingly participated in a scheme and/or artifice to defraud GADDY, SMALL and HARRIS and potential class members to obtain their money or property by means of false or fraudulent pretenses, representations, or promises, including key omissions and concealment as described in the preceding paragraphs.

486. COP could foresee that the U.S. Postal Service and interstate wires would be used “for the purpose of” advancing, furthering, executing, concealing, conducting, participating in, or carrying out the fraud scheme, within the meaning of 18 U.S.C. §§ 1341 and 1343.

487. In particular, pursuant to the scheme to defraud the Named Plaintiffs and other putative class members, COP knew or could foresee that the U.S. Postal Service and interstate wires would be used to receive and/or deliver, inter alia, communications for the purpose of persuading all Plaintiffs to donate their time, money, and energy for the economic benefit of the Mormon Corporate Empire.

488. COP acting singly and in concert, personally or through its agents, used the U.S. Postal Service and interstate wires or caused the U.S. Postal Service or interstate wires to be used “for the purpose of” advancing, furthering, executing, concealing, conducting, participating in, or carrying out a scheme to defraud Named Plaintiffs and other class members within the meaning of 18 U.S.C. §§ 1341 and 1343.

489. It is not possible for Named Plaintiffs to plead with particularity all instances of mail and wire fraud that advanced, furthered, executed, and concealed the scheme because the particulars of many such communications are within the exclusive control and knowledge of COP. By way of example, however, COP specifically used the U.S. Postal Service or interstate wires or caused the U.S. Postal Service or interstate wires to deliver each and every email, electronic transfer,

conference speech, letter, mailing, mission calling, and other uses of the mail and wire described in ¶¶140-290, above.

490. Upon information and belief, some of the wire communications described above occurred between persons in the same state but crossed interstate borders by reason of the technology and other mechanisms used to transmit the communication.

491. Each and every use of the U.S. Postal Service or interstate wires described above was committed by COP acting singly and in concert, personally or through its agents, with the specific intent to defraud GADDY, SMALL and HARRIS and potential class members to obtain the money or property of Named Plaintiffs and other class members by means of false or fraudulent pretenses, representations, or promises, including material omissions. COP's acts of mail and wire fraud were in violation of §§ 1341 and 1343 and constitute racketeering activity as defined by 18 U.S.C.A. § 1961(1)(B).

The Mormon Corporate Enterprise

492. The Mormon Corporate Enterprise (consisting of COP, CES, Correlation, IRI, DMC, DB, DNP, DDM, BIC, CPB, EPA and unnamed business entities, their employees, and local individuals who lead the Church (or any subset thereof) constitutes an "enterprise," within the meaning of § 1961(4) & 1962(c), in that they are "a group of individuals associated in fact."

493. The members of the Enterprise shared the common purpose(s) of (among other things) defrauding LDS members of money or property and publishing and otherwise disseminating affirmative misrepresentations that the Book of Mormon was translated directly from gold plates and not dictated from a stone in a hat, that the Hebrew prophet, Abraham is depicted in the Book

of Abraham facsimiles, and that Smith had one wife, Emma. It also failed to disclose Smith's 1832 account of his 1820 First Vision. And/or,

494. Members of the Enterprise failed to disclose that the Brethren do not sincerely believe the above affirmative misrepresentations and the correlated version of the First Vision absent disclosure of Smith's 1832 account. They assisted Defendant in concealing the stones, artifacts, original manuscripts, affidavits, documents, and information about LDS origins; And, or

495. They promulgated a version of Smith as a victim of lawsuits and the legal system, while concealing his criminal and civil fraud history and extensive adultery as more particularly detailed above in ¶36. And/or,

496. The members of the Enterprise shared the common purpose(s) of (among other things) defrauding LDS members of money or property and publishing and otherwise disseminating and affirmatively misrepresenting that tithing was not used to fund City Creek Mall and concealing information about their use of LDS members' tithing for commercial purposes, to bailout Beneficial Life Insurance and to invest, purchase and even develop commercial projects across the U.S. and the world.

497. The members of the Enterprise are related in that they are all involved in the correlation and publication of Defendant's rhetoric and propaganda and in the collection and transfer of money from individual LDS members to Defendant COP.

498. The Enterprise possesses sufficient longevity for the members to carry out their purpose(s) in that the Enterprise has existed (at minimum) from the mid-twentieth century through the present.

499. COP is a “person” within the meaning of 18 U.S.C.A. § 1961(3) & 1962(c), who conducted, participated in, engaged in, and operated and managed the affairs of the Mormon Corporate Empire Enterprise through a pattern of racketeering activity within the meaning of 18 U.S.C.A. §1961(1), 1961(5) & 1962(c). This pattern of racketeering activity consisted of, but was not limited to, acts of mail and wire fraud as set forth in ¶¶140-290, above.

The Mormon Educational Enterprise

500. In the alternative to ¶¶492-499 above, the Mormon Educational Enterprise (consisting of all individual missionaries as unwitting victims), all individual conference speakers and organizers, all instructors at LDS Seminary, LDS Institute and LDS higher education colleges and universities, MTC instructors and all local lay leaders and teachers (or any subset thereof) and the Chief Editor(s) for the *JSP*, constituted an “enterprise,” within the meaning of 18 U.S.C.A. § 1961(4) & 1962(c), in that they are “a group of individuals associated in fact.”

501. The members of the Mormon Educational Enterprise shared the common purpose(s) of (among other things) publishing and otherwise disseminating correlated propaganda, including speech, which misrepresented Mormon history including but not limited to the Book of Mormon was translated directly from gold plates, that Smith was married to just one woman, Emma Hale, that Abraham is the author of the Book of Abraham and is depicted in the facsimiles found within the Book of Abraham. The members of the Enterprise, failed to disclose that Smith’s original account of his 1820 First Vision, written in 1832 was only that he spoke with the Lord (one personage) who told him that his sins were forgiven.

502. The members of the Mormon Educational Enterprise did not disclose that the Brethren do not sincerely believe the forgoing affirmative representations and the story of the First Vision,

absent a full and fair disclosure of Smith's 1832 account. Missionaries and some local teachers and possibly employee teachers were and are unwitting participants in the scheme, having also been told that the Brethren would never lead them astray. And/or,

503. The members of the Mormon Educational Enterprise shared the common purpose(s) of (among other things) publishing and otherwise disseminating correlated propaganda that misrepresented Smith's character including his convictions and extensive criminal and civil fraud history and extensive secret adultery as more fully set forth in ¶36 above. And/or,

504. The members of the Mormon Educational Enterprise shared the common purpose(s) of (among other things) publishing and otherwise disseminating correlated propaganda that misrepresented that no tithing was used for City Creek Mall and failed to disclose that tithing was used to bail out Beneficial life Insurance company and that tithing was used to invest, purchase, and even develop extensive commercial entities across the U. S. and the world.

505. The members of the Mormon Educational Enterprise are related in that they are all involved in the publication and dissemination of deceptive Mormon/LDS rhetoric and propaganda and enabled the deceptions above described.

506. The Mormon Educational Enterprise possesses sufficient longevity for the members to carry out their purpose(s) in that the Mormon Educational Enterprise has existed (at a minimum) from the mid-twentieth century through the present.

507. COP is a "person" within the meaning of 18 U.S.C.A. § 1961(3) & 1962(c), who conducted, participated in, engaged in, and operated and managed the affairs of the Mormon Educational Enterprise through a pattern of racketeering activity within the meaning of 18

U.S.C. §§1961(1), 1961(5) & 1962(c). This pattern of racketeering activity consisted of, but was not limited to, acts of mail and wire fraud as set forth in ¶¶140-290 above.

The Mormon Collection Enterprise

508. In the alternative to ¶¶492-507 above, the Mormon Collection Enterprise (consisting of all Bishops, counselors and ward clerks, Branch presidents, counselors, and clerks, Stake presidents, counselors and clerks, and Mission District Presidents, counselors, and clerks) constituted an “enterprise,” within the meaning of 18 U.S.C.A. § 1961(4) & 1962(c), in that they are “a group of individuals associated in fact.”

509. The members of the Mormon Collection Enterprise shared the common purpose(s) of (among other things) collecting tithing from Plaintiffs and remitting all of that tithing to Defendant COP) publishing and otherwise disseminating correlated propaganda, including speech, that misrepresented Mormon history including that the Book of Mormon was translated directly from gold plates, that Smith was married to just one woman, Emma Hale, that Abraham is the author of the Book of Abraham and is depicted in the facsimiles found within the Book of Abraham. The members of the Collection Enterprise, failed to disclose that Smith’s original account of his 1820 First Vision, written in 1832 was only that he spoke with the Lord (one personage) who told him that his sins were forgiven. And/or,

510. The members of the Mormon Collection Enterprise shared the common purpose(s) of (among other things) collecting tithing from Plaintiffs and remitting all of that tithing to Defendant COP all the while representing that the Brethren sincerely believed the affirmative representations set forth in ¶509, immediately above and affirming the correlated version of the First Vision, without fully and fairly disclosing Smith’s 1832 account. (Missionaries and some

local teachers were and are unwitting participants in the scheme, having also been told that the Brethren would never lead them astray.) And/or,

511. The members of the Mormon Collection Enterprise shared the common purpose(s) of (among other things) collecting tithing from Plaintiffs and remitting all of that tithing to Defendant COP without fully and fairly disclosing Smith's treasure hunting, criminal and civil fraud history, fraud convictions and participation in adulterous relationships; And/or,

512. The members of the Mormon Collection Enterprise shared the common purpose(s) of (among other things) collecting tithing from Plaintiffs and remitting all of that tithing collection to Defendant COP without disclosing how that tithing would be used apart from disclosures listed in ¶¶ 229-230, 233, 237-238, 244-245, 258, 260, 239, 273 & 283-284 above. And/or,

513. COP engaged in a scheme or schemes to defraud Named Plaintiffs and other potential class members by lying that no tithing was used to develop City Creek Mall and by concealing the fact that tithing was used to bail our Beneficial Life Insurance company and that tithing was used to invest, purchase, and even develop extensive commercial entities across the U. S. and the world.

514. The members of the Mormon Collection Enterprise are related in that they are all involved in the collection and remittance of tithing, which acts are done while misrepresenting to Plaintiffs material historical facts about LDS history, how its scripture was created and facts about Smith's criminal and civil fraud. And/or,

515. The members of the Mormon Collection Enterprise are related in that they are all involved in the collection and remittance of tithing, which acts are done while misrepresenting

to Plaintiffs how tithing is used and/or without disclosure of the fact that tithing was and is used for investment and commercial development purposes.

516. The Mormon Collection Enterprise possesses sufficient longevity for the members to carry out their purpose(s) in that the Mormon Collection Enterprise has existed (at a minimum) from the mid-twentieth century through the present.

517. COP is a “person” within the meaning of 18 U.S.C.A. § 1961(3) & 1962(c), who conducted, participated in, engaged in, and operated and managed the affairs of the Mormon Collection Enterprise through a pattern of racketeering activity within the meaning of 18 U.S.C. §§ 1961(1), 1961(5) & 1962(c). This pattern of racketeering activity consisted of, but was not limited to, acts of mail and wire fraud as set forth in [¶140-290](#) above.

518. At all relevant times, the corporate, educational and collection enterprises alleged in [¶492-517](#) above, were engaged in, and their activities affected, interstate commerce.

519. All of the acts of racketeering described in paragraphs [¶291-301](#) above were related so as to establish a pattern of racketeering activity within the meaning of 18 U.S.C. § 1962(c), in that their common result was to defraud Named Plaintiffs and potential class members of money and property; COP, through its employees, members, or agents, directly or indirectly, participated in the acts and employed the same or similar methods of commission; GADDY, SMALL and HARRIS and potential class members were the victims of the acts of racketeering; and/or the acts of racketeering were otherwise interrelated by distinguishing characteristics and were not isolated events.

520. All of the acts of racketeering described in [¶291-301](#) above, were continuous so as to form a pattern of racketeering activity in that the COP engaged in the predicate acts over a

substantial period (at least from the Correlation Department's creation in 1961 to the present) or in that the acts of racketeering are ongoing and threaten to continue indefinitely.

521. As a direct and proximate result of, and by reason of, the activities of COP and its conduct in violation of 18 U.S.C.A. §1962(c), GADDY, SMALL and HARRIS and the other potential class members have been injured in their business or property, within the meaning of 18 U.S.C.A. § 1964(c). Among other things, Plaintiffs and other potential class members suffered damages, i.e., damages to the extent they donated money, time and effort to the LDS Church in reliance upon Defendant's affirmative misrepresentations concerning (among other things) the literal translation of the Book of Mormon from gold plates without the use of the brown stone, that the Hebrew prophet Abraham is depicted in the Book of Abraham facsimiles, that Joseph Smith did not practice polygamy but was married to just Emma Hale Smith and/or the Brethren's lack of a sincere religious belief in those affirmative misrepresentations. Plaintiffs were further damaged due to Defendant's concealment /lack of disclosure of important items, documents, and information (See ¶404 Table of Concealed Items) that a reasonable person would think material in deciding whether to commit to the COJCOLDs.

And/or,

522. As a direct and proximate result of, and by reason of the activities of COP and its conduct in violation of 18 U.S.C.A. §1962(c), GADDY, SMALL and HARRIS and the other potential class members have been injured in their business or property, within the meaning of 18 U.S.C.A. § 1964(c). Among other things, Named Plaintiffs and other potential class members suffered damages, i.e., damages to the extent they donated money, time, and effort to the LDS Church in reliance upon Defendant COP's misrepresentations concerning (among other things)

characterizing Smith as a victim of the legal system and failing to disclose his criminal history and civil fraud history, including his extensive adultery. COP engaged in this scheme while simultaneously urging members to trust the Brethren and COP leader-agents, and while teaching the principles of honesty, including full disclosure, and free agency. And/or,

523. As a direct and proximate result of, and by reason of, the activities of COP and its conduct in violation of 18 U.S.C.A. §1962(c), GADDY, SMALL and HARRIS and potential Class members have been injured in their business or property, within the meaning of 18 U.S.C.A. § 1964(c). Among other things, GADDY, SMALL and HARRIS and other potential class members suffered damages, i.e., damages to the extent they donated money, time, and effort to the LDS Church in reliance upon Defendant COP's misrepresentations concerning (among other things) affirmative misrepresentations claiming that no tithing was used for City Creek Mall, its omissions about tithing used to bailout Beneficial Life Insurance and for the use of a substantial portion of tithing as investment in, purchase and development of numerous commercial entities throughout the United States and the world.

524. GADDY, SMALL and HARRIS and other class members are, therefore, entitled to recover threefold damages which they sustained together with the cost of the suit, reasonable attorneys' fees, and reasonable experts' fees.

525. To the extent this complaint seeks damages for personal injuries and emotional distress, such damages are not sought pursuant to this cause of action. Damages sought pursuant to this count are limited to injuries to Named Plaintiffs and the other potential class members' business or property.

526. GADDY, SMALL and HARRIS and other potential Class members suffered, continue to suffer, and will suffer substantial damage to their property by reason of COP's acts of racketeering.

527. At all relevant times, the corporate, educational and collection enterprises alleged in [¶393-517](#) above, were engaged in, and their activities affected, interstate commerce.

528. All of the acts of racketeering described in paragraphs [¶291-301](#), above were related so as to establish a pattern of racketeering activity within the meaning of 18 U.S.C. § 1962(c), in that their common result was to defraud Named Plaintiffs and potential class members of money and property; COP, through its employees, members, or agents, directly or indirectly, participated in the acts and employed the same or similar methods of commission; GADDY, SMALL and HARRIS and potential class members were the victims of the acts of racketeering; and/or the acts of racketeering were otherwise interrelated by distinguishing characteristics and were not isolated events.

529. All of the acts of racketeering described in [¶291-301](#) above, were continuous so as to form a pattern of racketeering activity in that the COP engaged in the predicate acts over a substantial period (at least from the creation of Correlation in 1961 to the present) or in that the acts of racketeering are ongoing and threaten to continue indefinitely.

530. As a direct and proximate result of, and by reason of, the activities of COP and its conduct in violation of 18 U.S.C.A. § 1962(c), GADDY, SMALL and HARRIS and other potential Class members have been injured in their business or property, within the meaning of 18 U.S.C.A. § 1964(c). Among other things, Named Plaintiffs and potential class members suffered damages, i.e., damages to the extent they donated money, time, and effort to the LDS

Church in reliance upon Defendant COP's affirmative misrepresentations concerning (among other things) that Smith translated the Book of Mormon directly from gold plates, that Smith was married to one wife Emma Hale, that the Book of Abraham Facsimiles depict the Hebrew Prophet Abraham, and that the Brethren believed all of the above as well as the correlated narrative about the First Vision about full and fair disclosure of Smith's 1832 handwritten account that differs in key respects from that version. And/or,

531. As a direct and proximate result of, and by reason of, the activities of COP and its conduct in violation of 18 U.S.C.A. §1962(c), GADDY, SMALL and HARRIS and other potential Class members have been injured in their business or property, within the meaning of 18 U.S.C.A. § 1964(c). Among other things, Named Plaintiffs and potential class members suffered damages, i.e., damages to the extent they donated money, time, and effort to the LDS Church in reliance upon Defendant COP's failure to disclose (among other things) Smith's criminal and civil fraud history including his extensive secret adultery. And/or,

532. As a direct and proximate result of, and by reason of, the activities of COP and its conduct in violation of 18 U.S.C.A. §1962(c), GADDY, SMALL and HARRIS and other potential Class members have been injured in their business or property, within the meaning of 18 U.S.C.A. § 1964(c). Among other things, Named Plaintiffs and potential class members suffered damages, i.e., damages to the extent they donated money, time, and effort to the LDS Church in reliance upon Defendant COP's affirmative misrepresentations claiming that no tithing was used for City Creek Mall, its omissions about commercial use of a substantial portion of tithing to bailout Beneficial Life Insurance and for the investment in, purchase and development of numerous commercial entities throughout the United States and the world.

533. GADDY, SMALL and HARRIS and potential class members are, therefore, entitled to recover threefold damages which they sustained together with the cost of the suit, reasonable attorneys' fees, and reasonable experts' fees.

534. To the extent this complaint seeks damages for personal injuries and emotional distress, such damages are not sought pursuant to this cause of action. Damages sought pursuant to this count are limited to injuries to named Plaintiffs and the other class members' business or property.

535. GADDY, SMALL and HARRIS and potential Class members suffered, continue to suffer, and will suffer substantial damage to their property by reason of COP's acts of racketeering.

SEVENTH CAUSE OF ACTION: INTENTIONAL (RECKLESS) INFILCTION OF EMOTIONAL DISTRESS

536. GADDY, SMALL and HARRIS realleges and incorporates by reference her allegations in paragraphs 1-535 above as though fully set forth herein.

537. COP's above-described conduct consisting of knowingly and repeatedly misrepresenting key Mormon/LDS history, and the character of its founder, Smith, offends generally accepted standards of decency and morality. Hiding Smith's seer stone that was used to create the *Book of Mormon* for over a century, and instead widely promulgating a distorted and ostensibly more reasonable method of scriptural creation as one where Smith translated (in the ordinary sense of the word), directly from ancient gold plates, teaching lay members a version of its history through a tightly correlated narrative which its leaders do not sincerely believe, while omitting and concealing or suppressing material stones, artifacts, original manuscripts, documents

affidavits and information which were known to its leaders, continues to be so extreme as to exceed all bounds of what is usually tolerated in a civilized community, and in this particular case, especially by a religious organization that preaches attributes of honesty, including full disclosure and the doctrine of “free agency,” and denies that it practices and or has a religious belief in “Lying for the Lord.” ([¶228](#), above.)

538. COP’s misrepresentation of LDS history, Smith’s character, and concealment of stones, artifacts, original manuscripts, documents, and information material to that history, all the while not believing what they taught, was and is more than merely unreasonable, unkind, or unfair. It is the height of hypocrisy and abuse, encompassing not only a pious, but an ongoing, pervasive secular fraud which has damaged GADDY, SMALL, and HARRIS and potential class Plaintiffs at an existential level.

539. But for Defendant’s misrepresentations as to all but its tithing use, Plaintiffs would not have committed to the COJCOLDS, nor paid tithing. COP’s misrepresentations re tithing use was a substantial factor in bringing about Plaintiffs’ injuries. Damages for both types of misrepresentations are of a type that a reasonable person would see as a likely result of his or her conduct, including cognitive dissonance leading to depression and other emotional distress.

540. The significant injuries to Plaintiffs who only discovered the misrepresentations after a lifetime of service to the LDS Church have been documented in the aforementioned *LDSPFCR*.

541. As of at least the date the *LDSPFCR* was published, COP had actual and comprehensive knowledge of the devastating effect of its fraudulent conduct. COP made some limited effort to address the inaccuracies of the long-standing traditional narrative through the serial publication of its essays. However, the failure to announce the publication of those essays to the general

membership, and indeed the concealing of their very existence as well as the content of the essays due to a desire to ‘inoculate’ true believers, along with the continuation to spin the foundational facts amidst quasi-corrective admissions with limited distribution, is so extreme as to offend the very standards of decency and morality with which COP pretends to comply. That is, which moral principles, in particular honest and free agency, it instructs its lay members to practice. This is particularly true considering the continued promises that the GAs, the Brethren, and the prophet will never lead members astray and, an instruction by Apostle Ballard in an address at the Salt Lake Tabernacle to CES religious educators and missionaries, S & I personnel, and stake-called seminary and institute teachers, broadcast on Feb. 26, 2016, to teach students to avoid the internet as a source for Mormon research.¹¹⁰

542. Said infliction of emotional distress is continuing and ongoing since there are close family and friends of Plaintiffs GADDY, SMALL and HARRIS, and upon information and belief, friends and families of each potential class member who believe that Plaintiffs and potential class members are evil, of the devil, spew Anti-Mormon lies, etc., due to their questioning and/or disagreement with COP’s longstanding narrative divorced from the contents of its archives. This schism among members and former members has led to a myriad of emotional stressors, as listed above and as more fully documented in the *LDSPFCR*.

¹¹⁰ Apostle Russell M. Ballard, Address to the Church Educational System (CES) religious educators and missionaries, S & I personnel, and stake-called seminary and institute teachers, broadcast on Feb. 26, 2016. <https://www.churchofjesuschrist.org/broadcasts/article/evening-with-a-general-authority/2016/02/the-opportunities-and-responsibilities-of-ces-teachers-in-the-21st-century?lang=eng> (Last accessed Feb. 23, 20212.)

543. Said damage will continue until and unless the Brethren, including the President of the Church, make unequivocal statements owning their prior intentional and/or reckless misrepresentations, and fully acknowledge their longstanding scheme to Named Plaintiffs, potential members of the class, and all LDS members and former members. Only then will the significant damage to the mental and emotional health of Plaintiffs, former and questioning members, and to their relationships, both familial and collegial, begin to heal.

PRAYER FOR RELIEF

544. WHEREFORE, Plaintiffs GADDY, SMALL and HARRIS, individually and on behalf of the potential class, pray for the following judgment:

545. An order certifying the Class as defined above, appointing Plaintiffs LAURA A. GADDY, LYLE D. SMALL and LEANNE R. HARRIS, Class representatives should that class be certified, and appointing their attorney, Kay Burningham, as Class Counsel; and

546. An award of special damages in the actual out-of-pocket monetary loss from such violations in the sum of the amount that Plaintiffs and each class member has paid in tithing, donations to the Church except for fast offering donations, tuition at LDS colleges and/or universities, mission expense paid individually and for their children or others, and the value of lost opportunities over the course of their affiliation with the LDS Church; and,

547. An award of special damages for the time each class member spent on his or her mission and MTC at the U.S. minimum wage rate during//9 the time of that service, for at least 75 hours per week; and,

548. An award of reasonable attorneys' fees and non-taxable costs to be paid out of the common fund prayed for above; and,

549. Attorneys' fees and litigation expenses as items of special damages; and,

550. As to the RICO claim: Treble damages pursuant to 18 U.S.C.A. §1964(c); and Attorney fees and costs pursuant to 18 U.S.C.A. §1964 (c);

551. General damages, including damages for emotional distress, for causes of action other than under RICO; and

552. Punitive damages for common law and statutory fraud-based claims except RICO; and

553. For prejudgment interest on all damages fixed as of a particular time and [that] can be calculated with mathematical accuracy, which includes tithing, donations to Defendant or its subsidiaries other than local fast offerings, hours spent in missionary service including the MTC, out-of-pocket expenses for counseling due to their faith crisis or impending divorce caused largely by one spouse's faith crisis, and lost opportunity costs in accordance with Utah or other law: and,

554. For post judgment interest at the judicial rate; and,

555. For such other and further relief that the Court may deem reasonable and proper.

JURY DEMAND

Plaintiffs GADDY, SMALL and HARRIS, individually and on behalf of the prospective class, request a trial by jury of all claims that can be so tried.

Respectfully Submitted,

Dated: the 22nd day of October, 2021

by: /s/ Kay Birmingham
Kay Birmingham

*Attorney for Laura A. Gaddy, Lyle D. Small
and Leanne R. Harris*